



Iowa General Assembly
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House File 100 - Introduced

HOUSE FILE 100
BY HEATON

A BILL FOR

1 An Act relating to the inclusion of reasonable training costs
2 in the direct costs considered reimbursable for Medicaid
3 home and community-based services programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1274HH (1) 85
pf/nh



Iowa General Assembly
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H.F. 100

1 Section 1. HOME AND COMMUNITY-BASED SERVICES PROVIDERS
2 — REASONABLE COSTS OF STAFF TRAINING — REIMBURSEMENT AS
3 DIRECT COSTS. The department of human services shall adopt
4 rules pursuant to chapter 17A to provide that reasonable
5 costs of staff training incurred by providers of home and
6 community-based services under the medical assistance program
7 are reimbursable as direct costs. Such reimbursement shall
8 include reimbursement of the reasonable costs associated with
9 the learning management system utilized under the college of
10 direct support training program.

11 EXPLANATION

12 This bill directs the department of human services to
13 adopt administrative rules to provide that the reasonable
14 costs of staff training incurred by providers of home and
15 community-based services under the medical assistance
16 (Medicaid) program are reimbursable as direct costs. The
17 reimbursement shall include reimbursement of the reasonable
18 costs associated with the learning management system utilized
19 under the college of direct support training program.



Iowa General Assembly
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House File 101 - Introduced

HOUSE FILE 101
BY HEATON

A BILL FOR

1 An Act relating to cost report and rate setting procedures
2 for home and community-based services providers under the
3 Medicaid program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1253HH (1) 85
pf/nh



Iowa General Assembly
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H.F. 101

1 Section 1. MEDICAID COST REPORT AND RATE SETTING PROCEDURES
2 — HOME AND COMMUNITY-BASED SERVICES PROVIDERS — RULES. The
3 department of human services shall adopt rules pursuant to
4 chapter 17A to provide the following with regard to resolution
5 of cost reports and rate setting for home and community-based
6 services providers under the Medicaid program:

7 1. A request by the department for additional information
8 from a provider following submission of the provider's cost
9 report shall not affect the total number of days specified in
10 the provider contract for resolution of cost reports. Upon
11 receipt of the additional information, the department shall
12 restart the resolution period beginning with the day after the
13 number of days elapsed prior to the request for additional
14 information, and shall resolve the cost report within the time
15 that remains in the resolution period specified in the provider
16 contract.

17 2. Notwithstanding resolution of a provider's cost report,
18 a provider's new rate shall be effective the day after the
19 day that constitutes the end of the time period specified for
20 resolution of cost reports in the provider contract.

21 EXPLANATION

22 This bill relates to cost report and rate setting provisions
23 for Medicaid program home and community-based services
24 providers. The bill directs the department of human services
25 (DHS) to adopt administrative rules to provide that once a
26 provider's cost report is submitted, a request for additional
27 information by DHS shall not affect the time frame specified
28 in the provider's contract for resolution of cost reports.
29 Additionally, the rules are to provide that upon receipt of
30 the additional information by DHS, DHS is required to restart
31 the resolution period the day after the number of days elapsed
32 prior to the request for additional information, and resolve
33 the cost report within the time that remains in the resolution
34 period specified in the provider contract.

35 With regard to rate setting, the bill directs DHS that

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H.F. 101

1 notwithstanding resolution of a provider's cost report, a
2 provider's new rate is effective the day after the day that
3 constitutes the end of the time period specified in the
4 provider's contract for resolution of cost reports.



Iowa General Assembly
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House File 102 - Introduced

HOUSE FILE 102
BY HEATON

A BILL FOR

- 1 An Act relating to certification of adult day services
- 2 programs.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1256YH (2) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 30, 2013

H.F. 102

1 Section 1. Section 231D.3, subsection 7, Code 2013, is
2 amended to read as follows:

3 7. Certification of an adult day services program shall
4 be for ~~two~~ three years unless revoked for good cause by the
5 department.

6 Sec. 2. Section 231D.4, subsection 2, paragraph b,
7 subparagraphs (1) and (2), Code 2013, are amended to read as
8 follows:

9 (1) For a ~~two-year~~ three-year initial certification, seven
10 hundred fifty dollars.

11 (2) For a ~~two-year~~ three-year recertification, one thousand
12 dollars.

13 EXPLANATION

14 This bill extends the initial certification and
15 recertification periods for adult day services from two to
16 three years. However, the fee amounts for certification
17 and recertification remain the same for the three-year
18 certification and recertification as they were for the two-year
19 certification and recertification.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 103 - Introduced

HOUSE FILE 103

BY WESSEL-KROESCHELL, WOLFE,
MURPHY, STAED, LENSING,
WINCKLER, ISENHART, HALL,
HUNTER, KEARNS, STUTSMAN,
KELLEY, T. TAYLOR,
H. MILLER, BERRY, STECKMAN,
BEARINGER, KAJTAZOVIC,
KRESSIG, HEDDENS, GAINES,
MASCHER, MCCARTHY, M.
SMITH, COHOON, OURTH,
HANSON, LYKAM, JACOBY,
GASKILL, RIDING, THOMAS,
T. OLSON, ANDERSON, DUNKEL,
WOOD, MUHLBAUER, OLDSOHN,
RUFF, FORBES, and THEDE

A BILL FOR

1 An Act relating to domestic abuse and sexual assault victim
2 services, including establishment of a legislative study
3 committee and providing an appropriation.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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H.F. 103

1 Section 1. LEGISLATIVE INTERIM STUDY COMMITTEE — DOMESTIC
2 ABUSE AND SEXUAL ASSAULT SERVICES DELIVERY SYSTEM. The
3 legislative council is requested to establish a domestic abuse
4 and sexual assault services delivery system interim study
5 committee. The study committee shall review and provide
6 recommendations relating to the availability, effectiveness,
7 and coordination of programs that provide services and support
8 to victims of domestic abuse and sexual assault including
9 but not limited to shelter-based services, and health care,
10 counseling, and legal services. The committee shall issue
11 its findings and recommendations in a report to the general
12 assembly by January 10, 2014.

13 Sec. 2. APPROPRIATION — DEPARTMENT OF JUSTICE. There
14 is appropriated from the general fund of the state to the
15 department of justice for the fiscal year beginning July 1,
16 2013, and ending June 30, 2014, the following amount, or so
17 much thereof as is necessary, to be used for the award of funds
18 to programs that provide services and support to victims of
19 domestic abuse and sexual assault:

20 \$ 2,000,000

21 EXPLANATION

22 This bill requests the legislative council to establish
23 a domestic abuse and sexual assault service delivery system
24 interim study committee and provides an appropriation.

25 Under the bill, the domestic abuse and sexual assault
26 service delivery system interim study committee, if
27 established, shall review and provide recommendations relating
28 to the availability, effectiveness, and coordination of
29 programs that provide services and support to victims of
30 domestic abuse and sexual assault including but not limited
31 to shelter-based services, and health care, counseling, and
32 legal services. The committee shall issue its findings and
33 recommendations in a report to the general assembly by January
34 10, 2014.

35 The bill appropriates \$2 million from the general fund of the

LSB 1398HH (5) 85

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1 state to the department of justice for the FY 2013-2014 to be
2 used for the award of funds to programs that provide services
3 and support to victims of domestic abuse and sexual assault.



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House File 104 - Introduced

HOUSE FILE 104
BY MURPHY

A BILL FOR

1 An Act relating to the payment of reasonable attorney fees
2 relating to an appeal of a termination of parental rights
3 order.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1951YH (3) 85
pf/nh



Iowa General Assembly
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H.F. 104

1 Section 1. Section 600A.6B, Code 2013, is amended to read
2 as follows:

3 **600A.6B Payment of attorney fees.**

4 1. A person filing a petition for termination of parental
5 rights under this chapter or the person on whose behalf the
6 petition is filed shall be responsible for the payment of
7 reasonable attorney fees for counsel appointed pursuant to
8 section 600A.6A unless the one of the following conditions
9 exists:

10 a. The person filing the petition is a private child-placing
11 agency as defined in section 238.1 or unless the.

12 b. The court determines that the person filing the petition
13 or the person on whose behalf the petition is filed is
14 indigent.

15 c. The person filing the petition or the person on whose
16 behalf the petition is filed is exempt pursuant to subsection
17 3.

18 2. If the person filing the petition is a private
19 child-placing agency as defined in section 238.1 or if the
20 person filing the petition or the person on whose behalf the
21 petition is filed is indigent, the appointed attorney shall be
22 paid reasonable attorney fees as determined by the state public
23 defender.

24 3. If counsel is appointed pursuant to section 600A.6A for
25 hearings or proceedings connected with a request for vacation
26 or appeal of a termination order issued under section 600A.9,
27 subsection 1, paragraph "b", the person who filed the petition
28 for termination of parental rights or the person on whose
29 behalf the petition was filed shall not be responsible for the
30 payment of reasonable attorney fees for such counsel. Instead,
31 the counsel appointed pursuant to section 600A.6A shall be paid
32 reasonable attorney fees as determined by the state public
33 defender and in accordance with subsection 4.

34 ~~3.~~ 4. The state public defender shall review all the claims
35 submitted under this section and shall have the same authority



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H.F. 104

1 with regard to the payment of these claims as the state public
2 defender has with regard to claims submitted under chapters 13B
3 and 815, including the authority to adopt rules concerning the
4 review and payment of claims submitted.

5 EXPLANATION

6 Under current law, in a termination of parental rights
7 proceeding, the person against whom the petition is filed has
8 the right to counsel in connection with all subsequent hearings
9 and proceedings. If that parent desires but is financially
10 unable to employ counsel, the court will appoint counsel if the
11 person requests appointment of counsel, the person is indigent,
12 and the court determines the person will have difficulty
13 presenting the person's version of the facts in dispute and
14 has a colorable defense to the termination of parental rights.
15 Under current law, unless the person filing the petition for
16 termination of parental rights or the person on whose behalf
17 the petition is filed is a child-placing agency or is indigent,
18 such person is responsible for payment of reasonable attorney
19 fees for appointed counsel.

20 This bill specifies an exception to payment of fees for
21 appointed counsel by the person filing or on whose behalf the
22 petition is filed. Under the bill, if an order is issued
23 granting the termination of parental rights petition, and
24 an appeal or vacation of the order is requested, the person
25 who filed the petition for termination of parental rights
26 or the person on whose behalf the petition was filed is not
27 responsible for the payment of reasonable attorney fees for
28 appointed counsel. Instead, appointed counsel is to be paid
29 reasonable attorney fees as determined by the state public
30 defender and in accordance with the process for payment of such
31 claims.



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House File 105 - Introduced

HOUSE FILE 105

BY FRY, ALONS, SHAW, and
HEARTSILL

A BILL FOR

1 An Act prohibiting cities from enforcing certain
2 parking-related ordinances against an owner of a vehicle
3 bearing purple heart plates.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1651YH (3) 85
aw/nh



Iowa General Assembly
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H.F. 105

1 Section 1. Section 364.3, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 11. A city that operates and maintains
4 parking meters, either on-street or off-street, shall not
5 enforce any ordinance related to parking at such parking meters
6 against an owner of a vehicle bearing purple heart plates
7 issued pursuant to section 321.34, subsection 18.

8 EXPLANATION

9 This bill prohibits cities from enforcing certain
10 parking-related ordinances against an owner of a vehicle
11 bearing purple heart plates.



Iowa General Assembly
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House File 106 - Introduced

HOUSE FILE 106
BY ROGERS

A BILL FOR

1 An Act relating to the disposition of fines collected under
2 city and county automated traffic law enforcement programs
3 and providing for the deposit of certain revenues into the
4 road use tax fund.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1748YH (2) 85
dea/rj



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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H.F. 106

1 Section 1. Section 331.307, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 14. *a.* Civil fines collected by a county
4 from the use of an automated traffic law enforcement system
5 shall be allocated as follows:

6 (1) The amount necessary to satisfy contractual obligations
7 of the county relating to the use of automated traffic law
8 enforcement systems shall be retained by the county for that
9 purpose.

10 (2) Moneys in excess of the amount necessary for the purpose
11 specified in subparagraph (1) shall be forwarded monthly to the
12 treasurer of state for deposit in the road use tax fund.

13 *b.* For purposes of this subsection, *"automated traffic law*
14 *enforcement system"* means a device with one or more sensors
15 working in conjunction with a traffic control signal or device
16 or a speed-measuring device to produce recorded images of
17 vehicles being operated in violation of traffic or speed laws.

18 Sec. 2. Section 364.3, subsection 2, Code 2013, is amended
19 to read as follows:

20 2. For a violation of an ordinance, a city shall not
21 provide a penalty in excess of the maximum fine and term of
22 imprisonment for a simple misdemeanor under section 903.1,
23 subsection 1, paragraph "a". An Except as otherwise provided
24 in this section, an amount equal to ten percent of all
25 finances collected by cities shall be deposited in the account
26 established in section 602.8108. However, one

27 a. One hundred percent of all fines collected by a city
28 pursuant to section 321.236, subsection 1, shall be retained
29 by the city.

30 b. Civil fines collected by a city from the use of an
31 automated traffic law enforcement system shall be allocated as
32 follows:

33 (1) The amount necessary to satisfy contractual obligations
34 of the city relating to the use of automated traffic law
35 enforcement systems shall be retained by the city for that

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dea/rj

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1 purpose.

2 (2) Moneys in excess of the amount necessary for the purpose
3 specified in subparagraph (1) shall be forwarded monthly to the
4 treasurer of state for deposit in the road use tax fund.

5 (3) For purposes of this subsection, "automated traffic law
6 enforcement system" means a device with one or more sensors
7 working in conjunction with a traffic control signal or device
8 or a speed-measuring device to produce recorded images of
9 vehicles being operated in violation of traffic or speed laws.

10 c. The criminal penalty surcharge required by section 911.1
11 shall be added to a city fine and is not a part of the city's
12 penalty.

EXPLANATION

14 This bill directs that, from the civil fines collected
15 by a city or county from the use of automated traffic law
16 enforcement systems, the amount necessary to satisfy the
17 contractual obligations relating to the use of the systems
18 shall be retained by the city or county. Moneys in excess of
19 that amount are to be forwarded monthly to the treasurer of
20 state for deposit in the road use tax fund.

21 The bill defines "automated traffic law enforcement system"
22 as a device working in conjunction with a traffic control
23 signal or device or a speed-measuring device to produce
24 recorded images of vehicles being operated in violation of
25 traffic or speed laws.



Iowa General Assembly
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House File 107 - Introduced

HOUSE FILE 107
BY HEATON

A BILL FOR

1 An Act relating to the classification and taxation of certain
2 property used for human habitation as residential property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1760YH (2) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 30, 2013

H.F. 107

1 Section 1. Section 441.21, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 13. *a.* Beginning with valuations
4 established on or after January 1, 2014, as used in this
5 section, "*residential property*" includes that portion of a
6 building or structure situated on the stories above the ground
7 floor that is used for human habitation and a proportionate
8 share of the land upon which the building or structure is
9 situated, even if the use for human habitation is not the
10 primary use of the building or structure, if the building or
11 structure consists of three or fewer stories above grade and
12 not less than seventy-five percent of the structural components
13 of the building or structure are more than thirty years old.

14 *b.* The assessor may assign more than one classification
15 to a parcel of property satisfying the requirements of this
16 subsection. In no case, however, shall a hotel, motel, inn, or
17 other building or structure where rooms are usually rented for
18 less than one month be classified as residential property under
19 this subsection.

20 *c.* For the purposes of this subsection, "*structural*
21 *components*" means footings, foundations, columns, load-bearing
22 walls, beams, girders, rafters, joists, trusses, lateral
23 bracing, and all other components of a building or structure
24 that are essential to the structural stability of the building
25 or structure as a whole.

26 EXPLANATION

27 This bill provides that beginning with valuations
28 established on or after January 1, 2014, residential property
29 includes that portion of a building or structure situated
30 on stories above the ground floor that is used for human
31 habitation and a proportionate share of the land upon which the
32 building or structure is situated, even if the use for human
33 habitation is not the primary use of the building or structure,
34 if the building or structure consists of three or fewer stories
35 above grade and not less than 75 percent of the structural

LSB 1760YH (2) 85

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H.F. 107

1 components of the building or structure are more than 30 years
2 old. The bill defines "structural components". The bill
3 allows the assessor to assign more than one classification to
4 a parcel of property satisfying the requirements of the bill.
5 The bill excludes a hotel, motel, inn, or other building or
6 structure where rooms are usually rented for less than one
7 month from being classified as residential property under the
8 bill.



Iowa General Assembly
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House File 108 - Introduced

HOUSE FILE 108
BY ISENHART and DRAKE

A BILL FOR

1 An Act relating to locker plants for purposes of property
2 taxation and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1356HH (2) 85
md/sc



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 30, 2013

H.F. 108

1 Section 1. Section 428.22, unnumbered paragraph 1, Code
2 2013, is amended to read as follows:

3 For purposes of valuing and assessing property for tax
4 purposes, a person who operates a locker plant as defined in
5 this section is a manufacturer and locker plants shall be
6 valued and assessed as ~~commercial~~ industrial property. For
7 purposes of this section, "*locker plants*" means any property
8 used primarily for any or all of the following purposes:

9 Sec. 2. APPLICABILITY. This Act applies to assessment years
10 beginning on or after January 1, 2014.

11 EXPLANATION

12 This bill specifies that for the purposes of listing real
13 property for assessment and taxation a person who operates a
14 locker plant is a manufacturer. A "locker plant" is defined
15 in Code section 428.22 to be property used primarily for
16 locker rental facilities for the storage of frozen meats,
17 fish, or fowl owned by the person renting the locker, custom
18 slaughter livestock and processing under contract for a natural
19 person, or processing an animal carcass to offer processed meat
20 products at retail to a natural person after the facility has
21 purchased the livestock or carcass.

22 Current Code section 428.22 provides that locker plants are
23 classified as commercial property for property tax purposes.
24 The bill specifies locker plants to be industrial property for
25 property tax purposes.

26 The bill applies to assessment years beginning on or after
27 January 1, 2014.



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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House File 109 - Introduced

HOUSE FILE 109
BY HESS

A BILL FOR

1 An Act relating to consideration of the educational setting of
2 a minor child in a child custody proceeding.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1941YH (2) 85
pf/nh



Iowa General Assembly
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H.F. 109

1 Section 1. Section 598.1, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 2A. "*Educational setting*" means a public
4 school, an accredited nonpublic school, competent private
5 instruction in accordance with the provisions of chapter 299A,
6 or any other method of educational instruction that satisfies
7 the compulsory education requirements of chapter 299.

8 Sec. 2. Section 598.10, subsection 1, Code 2013, is amended
9 by adding the following new paragraph:

10 NEW PARAGRAPH. c. If the parents are in disagreement over a
11 minor child's educational setting, the court shall consider the
12 educational setting of the minor child in making a temporary
13 order for custody. There is a rebuttable presumption that
14 it is in the best interest of the minor child to remain in
15 the educational setting in which the minor child was enrolled
16 during the immediately preceding school year.

17 Sec. 3. Section 598.41, Code 2013, is amended by adding the
18 following new subsections:

19 NEW SUBSECTION. 4A. If the court awards joint legal custody
20 to the parents, but the parents are in disagreement over a
21 minor child's educational setting, the court shall consider,
22 and include a provision in the custody order regarding, the
23 educational setting of the minor child. There is a rebuttable
24 presumption that it is in the best interest of the minor child
25 to remain in the educational setting in which the minor child
26 was enrolled during the immediately preceding school year.

27 NEW SUBSECTION. 10. All orders relating to custody of a
28 child shall specify the rights and responsibilities of each
29 parent relative to the minor child's educational setting.
30 The order shall, at a minimum, specify a parent's rights
31 and responsibilities regarding physical access to the child
32 during the school day; access to records involving the health,
33 education, and welfare of the child; decision-making authority
34 including instances when parental consent or authorization is
35 required; and the removal of the child from the premises of the

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1 educational setting during school hours. Any parent with legal
2 custody of the child shall provide a copy of the order to the
3 educational setting and to the school district of the child to
4 whom the order applies.

5 EXPLANATION

6 This bill provides that in determining temporary custody
7 orders or the award of joint legal custody for a minor child,
8 if the parents are in disagreement over the minor child's
9 educational setting, the court is to consider the educational
10 setting of the minor child. In the case of awarding joint
11 legal custody, the court is also to include a provision in
12 the order regarding the educational setting of the minor
13 child. There is a rebuttable presumption that it is in the
14 best interest of the minor child to remain in the educational
15 setting in which the minor child was enrolled during the
16 immediately preceding school year. The bill also defines
17 "educational setting".

18 The bill directs that all orders relating to the custody
19 of a child shall specify the rights and responsibilities of
20 each parent relative to the minor child's educational setting
21 and specifies the minimum rights and responsibilities to be
22 addressed in the order. The bill requires that any parent with
23 legal custody of the child is to provide a copy of the order to
24 the educational setting and to the school district of the child
25 to whom the order applies.



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House File 110 - Introduced

HOUSE FILE 110
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO HSB 38)

A BILL FOR

1 An Act relating to taxation by updating the Code references
2 to the Internal Revenue Code and decoupling from certain
3 federal bonus depreciation provisions, providing certain
4 taxpayers additional time to file a claim for refund or
5 credit of individual income tax, extending the property
6 assessment appeal board, and including effective date and
7 retroactive applicability provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1257HV (2) 85
mm/sc



Iowa General Assembly
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H.F. 110

DIVISION I

INTERNAL REVENUE CODE REFERENCES

Section 1. Section 15.335, subsection 7, paragraph b, Code 2013, is amended to read as follows:

b. For purposes of this section, "*Internal Revenue Code*" means the Internal Revenue Code in effect on January 1, ~~2012~~ 2013, and as amended by the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240.

Sec. 2. Section 422.3, subsection 5, Code 2013, is amended to read as follows:

5. "*Internal Revenue Code*" means the Internal Revenue Code of 1954, prior to the date of its redesignation as the Internal Revenue Code of 1986 by the Tax Reform Act of 1986, or means the Internal Revenue Code of 1986 as amended to and including January 1, ~~2012~~ 2013, and as amended by the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240.

Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2013, is amended to read as follows:

i. The deduction for state sales and use taxes is allowable only if the taxpayer elected to deduct the state sales and use taxes in lieu of state income taxes under section 164 of the Internal Revenue Code. A deduction for state sales and use taxes is not allowed if the taxpayer has taken the deduction for state income taxes or claimed the standard deduction under section 63 of the Internal Revenue Code. This paragraph applies to taxable years beginning after December 31, 2003, and before January 1, 2008, and to taxable years beginning after December 31, 2009, and before January 1, ~~2012~~ 2014.

Sec. 4. Section 422.10, subsection 3, paragraph b, Code 2013, is amended to read as follows:

b. For purposes of this section, "*Internal Revenue Code*" means the Internal Revenue Code in effect on January 1, ~~2012~~ 2013, and as amended by the American Taxpayer Relief Act of 2012, Pub. L. No. 112-240.

Sec. 5. Section 422.32, subsection 1, paragraph g, Code

LSB 1257HV (2) 85

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1 2013, is amended to read as follows:

2 *g. "Internal Revenue Code"* means the Internal Revenue Code
3 of 1954, prior to the date of its redesignation as the Internal
4 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
5 the Internal Revenue Code of 1986 as amended to and including
6 January 1, ~~2012~~ 2013, and as amended by the American Taxpayer
7 Relief Act of 2012, Pub. L. No. 112-240.

8 Sec. 6. Section 422.33, subsection 5, paragraph d,
9 subparagraph (2), Code 2013, is amended to read as follows:

10 (2) For purposes of this subsection, *"Internal Revenue Code"*
11 means the Internal Revenue Code in effect on January 1, ~~2012~~
12 2013, and as amended by the American Taxpayer Relief Act of
13 2012, Pub. L. No. 112-240.

14 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 Sec. 8. RETROACTIVE APPLICABILITY. This division of this
18 Act applies retroactively to January 1, 2012, for tax years
19 beginning on or after that date.

20 DIVISION II

21 BONUS DEPRECIATION

22 Sec. 9. Section 422.7, subsection 39A, unnumbered paragraph
23 1, Code 2013, is amended to read as follows:

24 The additional first-year depreciation allowance authorized
25 in section 168(k) of the Internal Revenue Code, as enacted by
26 Pub. L. No. 110-185, § 103, Pub. L. No. 111-5, § 1201, Pub. L.
27 No. 111-240, § 2022, ~~and~~ Pub. L. No. 111-312, § 401, and Pub. L.
28 No. 112-240, § 331, does not apply in computing net income for
29 state tax purposes. If the taxpayer has taken the additional
30 first-year depreciation allowance for purposes of computing
31 federal adjusted gross income, then the taxpayer shall make the
32 following adjustments to federal adjusted gross income when
33 computing net income for state tax purposes:

34 Sec. 10. Section 422.35, subsection 19A, unnumbered
35 paragraph 1, Code 2013, is amended to read as follows:

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1 The additional first-year depreciation allowance authorized
2 in section 168(k) of the Internal Revenue Code, as enacted by
3 Pub. L. No. 110-185, § 103, Pub. L. No. 111-5, § 1201, Pub. L.
4 No. 111-240, § 2022, ~~and~~ Pub. L. No. 111-312, § 401, and Pub. L.
5 No. 112-240, § 331, does not apply in computing net income for
6 state tax purposes. If the taxpayer has taken the additional
7 first-year depreciation allowance for purposes of computing
8 federal taxable income, then the taxpayer shall make the
9 following adjustments to federal taxable income when computing
10 net income for state tax purposes:

11 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 12. RETROACTIVE APPLICABILITY. This division of this
15 Act applies retroactively to January 1, 2013, for tax years
16 ending on or after that date.

17 DIVISION III

18 FILING OF CLAIMS

19 Sec. 13. Section 422.73, Code 2013, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 1A. Notwithstanding subsection 1, a claim
22 for refund or credit of the individual income tax paid which
23 resulted from a reduction in a person's federal adjusted gross
24 income due to section 1106 of the FAA Modernization and Reform
25 Act of 2012, Pub. L. No. 112-95, shall be considered timely if
26 the claim is filed with the department on or before June 30,
27 2013.

28 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this
29 Act, being deemed of immediate importance, takes effect upon
30 enactment.

31 Sec. 15. RETROACTIVE APPLICABILITY. This division of this
32 Act applies retroactively to January 1, 2012, for refund or
33 credit claims filed on or after that date.

34 DIVISION IV

35 PROPERTY ASSESSMENT APPEAL BOARD

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1 Sec. 16. Section 421.1A, subsection 6, Code 2013, is amended
2 to read as follows:

3 6. The members of the property assessment appeal board
4 shall receive compensation from the state commensurate with
5 the salary of a district judge ~~through December 31, 2013~~. The
6 members of the board shall be considered state employees for
7 purposes of salary and benefits. The members of the board and
8 any employees of the board, when required to travel in the
9 discharge of official duties, shall be paid their actual and
10 necessary expenses incurred in the performance of duties.

11 Sec. 17. Section 421.1A, subsection 7, Code 2013, is amended
12 by striking the subsection.

13 Sec. 18. REPEAL. 2005 Iowa Acts, chapter 150, section 134,
14 is repealed.

15 Sec. 19. EFFECTIVE UPON ENACTMENT. This division of this
16 Act, being deemed of immediate importance, takes effect upon
17 enactment.

18 EXPLANATION

19 This bill updates the Iowa Code references to the Internal
20 Revenue Code to make federal income tax revisions enacted by
21 Congress in 2012, and by the American Taxpayer Relief Act of
22 2012, Pub. L. No. 112-240, applicable for Iowa income tax
23 purposes, decouples with certain bonus depreciation provisions,
24 provides certain taxpayers additional time to file a claim for
25 refund or credit of individual income tax paid, and extends the
26 property assessment appeal board.

27 DIVISION I — INTERNAL REVENUE CODE REFERENCES. The
28 division amends Code sections 422.3 and 422.32, general
29 definition sections in the chapter of the Code that governs
30 corporate and individual income tax and the franchise tax
31 on financial institutions, to update the references to the
32 Internal Revenue Code.

33 The division amends Code sections 15.335, 422.10, and 422.33
34 to update the references to the Internal Revenue Code for the
35 state research activities credit for individuals, corporations,

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1 and corporations in economic development areas to include the
2 federal changes to the research activities credit and the
3 alternative simplified research activities credit.

4 Code section 422.9 provides individuals a deduction from net
5 income for state sales and use taxes if the individual chose
6 to deduct sales and use tax in lieu of state income taxes or
7 the standard deduction for federal income tax purposes. This
8 deduction was set to expire under both federal and Iowa law for
9 tax years beginning on or after January 1, 2012. The American
10 Taxpayer Relief Act of 2012 extended the federal deduction for
11 the 2012 and 2013 tax years. This division extends the Iowa
12 deduction for the 2012 and 2013 tax years.

13 Division I takes effect upon enactment and applies
14 retroactively to January 1, 2012, for tax years beginning on
15 or after that date.

16 DIVISION II — BONUS DEPRECIATION. The division decouples,
17 for Iowa income tax purposes, from the federal additional
18 first-year depreciation allowance in section 168(k) of the
19 Internal Revenue Code which was extended by the American
20 Taxpayer Relief Act of 2012.

21 Division II takes effect upon enactment and applies
22 retroactively to January 1, 2013, for tax years ending on or
23 after that date.

24 DIVISION III — FILING OF CLAIMS. The division amends
25 Code section 422.73, relating to the period of limitation to
26 claim a tax refund or credit, to provide additional time for
27 taxpayers affected by the FAA Modernization and Reform Act of
28 2012, Pub. L. No. 112-95, to request a refund or credit of Iowa
29 individual income tax paid. The federal law allows a qualified
30 airline employee who received a settlement payment from an
31 airline company in bankruptcy to roll over that amount into a
32 traditional individual retirement account (IRA) and exclude
33 that amount from adjusted gross income in the year in which it
34 was received. The federal law allowed additional time, until
35 April 15, 2013, for a refund to be requested for federal income



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1 tax purposes provided the rollover occurred within 180 days of
2 February 14, 2012. Iowa taxpayers whose federal adjusted gross
3 income was reduced due to this federal law have until June 30,
4 2013, to request a refund or credit for Iowa individual income
5 tax paid.

6 Division III takes effect upon enactment and applies
7 retroactively to January 1, 2012, for refund or credit claims
8 filed on or after that date.

9 DIVISION IV — PROPERTY ASSESSMENT APPEAL BOARD. Division
10 IV of the bill relates to the property assessment appeal
11 board created under Code section 421.1A. 2005 Iowa Acts,
12 chapter 150, section 134, provides that the board is repealed
13 effective July 1, 2013. The bill repeals 2005 Iowa Acts,
14 chapter 150, section 134, strikes provisions relating to the
15 property assessment appeal board review committee, and makes
16 corresponding changes related to the extension of the board.
17 Division IV takes effect upon enactment.



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House File 111 - Introduced

HOUSE FILE 111
BY BAUDLER

A BILL FOR

1 An Act exempting the sales price of all-terrain vehicles used
2 in agricultural production from the sales and use tax.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1432HH (1) 85
mm/sc



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H.F. 111

1 Section 1. Section 423.3, subsection 8, paragraph c, Code
2 2013, is amended by adding the following new subparagraph:
3 NEW SUBPARAGRAPH. (4) An all-terrain vehicle as defined in
4 section 321I.1.

5 EXPLANATION

6 This bill exempts the sales price of all-terrain vehicles
7 used in agricultural production from the sales and use tax.
8 Under current law, an all-terrain vehicle is not exempt from
9 sales and use tax unless it is directly and primarily used in
10 production of agricultural products. "All-terrain vehicle"
11 means a motorized vehicle with not less than three and not
12 more than six nonhighway tires that is limited in engine
13 displacement to less than one thousand cubic centimeters and in
14 total dry weight to less than one thousand two hundred pounds
15 and that has a seat or saddle designed to be straddled by the
16 operator and handlebars for steering control.
17 By operation of Code section 423.6, an item exempt from the
18 imposition of the sales tax is also exempt from the use tax
19 imposed in Code section 423.5.



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House File 112 - Introduced

HOUSE FILE 112
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 25)

A BILL FOR

1 An Act relating to the forfeiture of bail in a criminal case.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 1537HV (1) 85
jm/nh



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H.F. 112

1 Section 1. Section 602.8102, subsection 131, Code 2013, is
2 amended to read as follows:

3 131. Hold the amount of forfeiture and judgment of bail in
4 the clerk's office for ~~sixty~~ ninety days as provided in section
5 811.6.

6 Sec. 2. Section 811.6, subsections 2 and 3, Code 2013, are
7 amended to read as follows:

8 2. Where a forfeiture and judgment have been entered as
9 provided in this section, and the amount of the judgment has
10 been paid to the clerk, the clerk shall hold the same as funds
11 of the clerk's office for a period of ~~sixty~~ ninety days from
12 the date of judgment.

13 3. The court may, upon application, set aside such judgment
14 if, within ~~sixty~~ ninety days from the date ~~thereof~~ of the
15 judgment, the defendant shall voluntarily surrender to the
16 sheriff of the county, or the defendant's sureties shall, at
17 their own expense, deliver the defendant to the custody of
18 the sheriff. Such judgment shall not be set aside, however,
19 unless as a condition precedent thereto, the defendant and the
20 defendant's sureties shall have paid all costs and expenses
21 incurred in connection therewith.

22 EXPLANATION

23 This bill relates to the forfeiture of bail in a criminal
24 case.

25 The bill extends the time period the court may set aside a
26 judgment (forfeited bail) against a surety when a defendant
27 fails to appear in court. Under the bill, if a defendant fails
28 to appear in court the judgment against the surety may be
29 set aside by the court if a defendant voluntarily surrenders
30 to the sheriff or the surety delivers the defendant to the
31 court within 90 days of the entry of the judgment. Current
32 law provides that the judgment against the surety may be set
33 aside by the court if a defendant voluntarily surrenders to
34 the sheriff or the surety delivers the defendant to the court
35 within 60 days of the entry of the judgment.

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1 The bill also extends the time period the clerk of the
2 district court is required to hold the forfeited bail from
3 60 days to 90 days from the date of the judgment against the
4 surety.

5 Forfeited bail is collected by the clerk of the district
6 court and distributed pursuant to Code section 602.8106.



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House File 95 - Introduced

HOUSE FILE 95
BY KRESSIG

A BILL FOR

1 An Act relating to exemptions from motor vehicle window
2 transparency requirements, and making a penalty applicable.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1112YH (3) 85
dea/nh



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H.F. 95

1 Section 1. Section 321.438, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. a. A Except as provided in paragraph `b`, a person
4 shall not operate on the highway a motor vehicle equipped with
5 a front windshield, a side window to the immediate right or
6 left of the driver, or a ~~side-wing~~ sidewing forward of and
7 to the left or right of the driver which is excessively dark
8 or reflective so that it is difficult for a person outside
9 the motor vehicle to see into the motor vehicle through
10 the windshield, window, or sidewing. The department shall
11 adopt rules establishing a minimum measurable standard of
12 transparency which shall apply to violations of this subsection
13 paragraph.

14 b. (1) A person who suffers from a medical condition
15 causing a severe sensitivity to light may apply to the
16 department for an exemption from the minimum measurable
17 standard of transparency established pursuant to paragraph
18 `a' for a vehicle other than a commercial motor vehicle. The
19 application shall be on a form provided by the department and
20 shall include a signed statement from a physician licensed
21 under chapter 148, 151, or 154 describing the nature of the
22 applicant's medical condition and the extent of the applicant's
23 light sensitivity. If the exemption is granted, the approved
24 application shall be carried at all times in the vehicle to
25 which it applies, whether or not the person qualifying for the
26 exemption is the driver of or a passenger in the vehicle at the
27 time, and shall be available to any peace officer upon request.

28 (2) The department shall adopt rules to implement this
29 lettered paragraph `b`, including but not limited to rules
30 establishing a minimum standard of transparency of not less
31 than thirty-five percent light transmittance for vehicles which
32 are exempt under this lettered paragraph `b`, providing for the
33 duration of an exemption, and providing for the termination or
34 transfer of an exemption upon transfer of ownership of a motor
35 vehicle.



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EXPLANATION

1
2 This bill concerns an exemption from motor vehicle window
3 transparency standards for certain light-sensitive persons.
4 Under current law, the front windshield, side windows, and
5 any sidewings to the right and left of the driver must not
6 be excessively dark or reflective so that it is difficult
7 for a person to see into the motor vehicle from the outside.
8 Pursuant to administrative rules, "excessively dark or
9 reflective" means that the window does not meet a minimum
10 standard of transparency of 70 percent light transmittance.
11 In the past, a person with a severe light-sensitive condition
12 could apply to the department of transportation for an
13 exemption from the minimum standard of transparency if the need
14 was documented by a physician. However, recent amendments to
15 administrative rules provide that effective July 4, 2012, new
16 exemptions shall not be granted and any prior exemption will
17 expire when the vehicle to which the exemption applies is no
18 longer used for the transport of the passenger or driver who is
19 the subject of the exemption.
20 The bill restores the ability of a person who suffers from
21 a medical condition causing a severe sensitivity to light to
22 apply for an exemption from the minimum measurable standard
23 of transparency. The person applying for the exemption
24 must submit a signed statement from a physician, on a form
25 provided by the department, describing the applicant's medical
26 condition and light sensitivity. The approved application
27 must be carried in the exempt motor vehicle at all times. The
28 department is required to adopt rules concerning the minimum
29 standard of transparency for exempt vehicles, the duration of
30 an exemption, and requirements for the termination or transfer
31 of an exemption upon transfer of ownership of a motor vehicle.
32 Pursuant to current law, a violation of motor vehicle window
33 transparency requirements is a simple misdemeanor punishable by
34 a scheduled fine of \$50.

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dea/nh

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House File 96 - Introduced

HOUSE FILE 96
BY RUFF

A BILL FOR

1 An Act establishing a supplementary weighting program for
2 shared operational functions of school districts and area
3 education agencies.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1391YH (2) 85
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1 Section 1. Section 257.11, Code 2013, is amended by adding
2 the following new subsection:
3 NEW SUBSECTION. 6A. *Shared operational functions —*
4 *increased student opportunities — budget years beginning in 2014*
5 *through 2019.*
6 a. (1) In order to provide additional funding to increase
7 student opportunities and redirect more resources to student
8 programming for school districts that share operational
9 functions, a supplementary weighting of two hundredths per
10 pupil shall be assigned to pupils enrolled in a district that
11 shares with a political subdivision one or more operational
12 functions of a curriculum director, school administration
13 manager, mental health therapist, school counselor, or school
14 librarian, or one or more operational functions in the areas
15 of superintendent management, business management, human
16 resources, transportation, or operation and maintenance for
17 at least twenty percent of the school year. The additional
18 weighting shall be assigned for each discrete operational
19 function shared. The operational function sharing arrangement
20 does not need to be a newly implemented sharing arrangement
21 to receive supplementary weighting under this subsection.
22 However, to receive supplementary weighting under this
23 subsection for an ongoing operational function sharing
24 arrangement that began before July 1, 2014, the district
25 shall submit information to the department documenting the
26 cost savings directly attributable to the shared operational
27 functions and describe the district's consideration of
28 additional shared operational functions.
29 (2) For the purposes of this section, *"political*
30 *subdivision"* means a city, township, county, school corporation,
31 merged area, area education agency, institution governed by the
32 state board of regents, or any other governmental subdivision.
33 b. School districts that share operational functions with
34 other school districts are not required to be contiguous school
35 districts. If two or more districts sharing operational



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1 functions are not contiguous to each other, the districts
2 separating those districts are not required to be a party to
3 the operational functions sharing arrangement.

4 *c.* Supplementary weighting pursuant to this subsection
5 shall be available to a school district for a maximum of
6 five years during the period commencing with the budget year
7 beginning July 1, 2014, through the budget year beginning July
8 1, 2019. The minimum amount of additional weighting for which
9 a school district shall be eligible is an amount equivalent to
10 ten additional pupils, and the maximum amount of additional
11 weighting for which a school district shall be eligible is
12 an amount equivalent to forty additional pupils. Receipt of
13 supplementary weighting by a school district pursuant to this
14 subsection for more than one year shall be contingent upon
15 the annual submission of information by the district to the
16 department documenting cost savings directly attributable to
17 the shared operational functions. Criteria for determining
18 the number of years for which supplementary weighting shall
19 be received pursuant to this subsection, subject to the
20 five-year maximum, and for determining qualification of
21 operational functions for supplementary weighting shall be
22 determined by the department by rule, through consideration of
23 long-term savings by the school district or increased student
24 opportunities.

25 *d.* Supplementary weighting pursuant to this subsection
26 shall be available to an area education agency for a maximum
27 of five years during the period commencing with the budget
28 year beginning July 1, 2014, through the budget year beginning
29 July 1, 2019. The minimum amount of additional funding for
30 which an area education agency shall be eligible is fifty
31 thousand dollars, and the maximum amount of additional funding
32 for which an area education agency shall be eligible is two
33 hundred thousand dollars. The department of management shall
34 annually set a weighting for each area education agency to
35 generate the approved operational sharing expense using the

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1 area education agency's special education cost per pupil amount
2 and foundation level. Receipt of supplementary weighting
3 by an area education agency for more than one year shall be
4 contingent upon the annual submission of information by the
5 district to the department documenting cost savings directly
6 attributable to the shared operational functions. Criteria
7 for determining the number of years for which supplementary
8 weighting shall be received pursuant to this subsection,
9 subject to the five-year maximum, and the amount generated by
10 the supplementary weighting, and for determining qualification
11 of operational functions for supplementary weighting shall be
12 determined by the department by rule, through consideration of
13 long-term savings by the area education agency or increased
14 student opportunities.

15 *e.* The amount of any supplementary weighting originally
16 received under this subsection shall be reduced by an
17 additional twenty percent from the original amount for each
18 subsequent budget year that supplementary weighting may be
19 received.

20 *f.* This subsection is repealed effective July 1, 2020.

21 EXPLANATION

22 This bill enacts Code section 257.11, new subsection 6A, to
23 allow supplementary weighting for school districts and area
24 education agencies that share operational functions. The
25 bill is similar to the supplementary weighting provisions for
26 shared operational functions in current Code section 257.11,
27 subsection 6, which is repealed effective July 1, 2014. The
28 bill provides supplementary weighting of two hundredths per
29 pupil enrolled in a district that shares with a political
30 subdivision one or more operational functions. Under the bill,
31 eligible shared operational functions include the operational
32 functions of a curriculum director, school administration
33 manager, mental health therapist, school counselor, or school
34 librarian, or one or more operational functions in the areas
35 of superintendent management, business management, human

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1 resources, transportation, or operation and maintenance. To
2 be eligible for the supplementary weighting, the operational
3 function must be shared for at least 20 percent of the school
4 year.

5 Under the bill, the operational functions sharing
6 arrangement does not need to be a newly implemented sharing
7 arrangement to receive supplementary weighting. However, to
8 receive supplementary weighting under the bill for an ongoing
9 operational functions sharing arrangement that began before
10 July 1, 2014, the district must submit information to the
11 department of education documenting the cost savings directly
12 attributable to the shared operational functions and describe
13 the district's consideration of additional shared operational
14 functions.

15 The bill does not require school districts that share
16 operational functions with other school districts to be
17 contiguous school districts. In addition, if two or more
18 districts sharing operational functions are not contiguous to
19 each other, the districts separating those districts are not
20 required to be a party to the operational functions sharing
21 arrangement.

22 The supplementary weighting provided in the bill is
23 available to a school district for a maximum of five years
24 during the period commencing with the budget year beginning
25 July 1, 2014, through the budget year beginning July 1,
26 2019. The bill establishes a minimum amount and a maximum
27 amount of additional weighting for which a school district is
28 eligible. In order to receive the supplementary weighting for
29 more than one year, the school district must annually submit
30 information to the department documenting cost savings directly
31 attributable to the shared operational functions.

32 Under the bill, supplementary weighting is available to
33 an area education agency for a maximum of five years during
34 the period commencing with the budget year beginning July 1,
35 2014, through the budget year beginning July 1, 2019. The

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1 bill establishes a minimum amount and a maximum amount of
2 additional weighting for which an area education agency is
3 eligible. In order to receive the supplementary weighting for
4 more than one year, the area education agency must annually
5 submit information to the department documenting cost savings
6 directly attributable to the shared operational functions. The
7 bill requires the department of management to annually set
8 a weighting for each area education agency to generate the
9 approved operational sharing expense using the area education
10 agency's special education cost per pupil amount and foundation
11 level.

12 The bill provides that supplementary weighting funding
13 received under Code section 257.11, new subsection 6A, for
14 shared operational functions shall be reduced by an additional
15 20 percent from the original amount each subsequent budget year
16 that the funding is received.

17 The bill provides that Code section 257.11, new subsection
18 6A, is repealed effective July 1, 2020.



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House File 97 - Introduced

HOUSE FILE 97
BY MURPHY

A BILL FOR

1 An Act providing eligibility for mental health services for
2 certain children through the regional mental health and
3 disability service system.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1476HH (4) 85
jp/sc



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H.F. 97

1 Section 1. Section 331.396, subsection 1, paragraph b, Code
2 2013, is amended to read as follows:

3 b. The person is at least eighteen years of age and is a
4 resident of this state. However, a person who is seventeen
5 years of age, is a resident of this state, and is receiving
6 publicly funded children's services may be considered eligible
7 for services through the regional service system during the
8 three-month period preceding the person's eighteenth birthday
9 in order to provide a smooth transition from children's to
10 adult services. In addition, a person who is a child less
11 than eighteen years of age and is a resident of this state
12 is eligible for services through the regional service system
13 provided all of the following requirements are met:

14 (1) The child meets all of the requirements to be eligible
15 for the regional service system other than the minimum age.

16 (2) The child has been diagnosed by a qualified professional
17 as having a disorder covered by the regional service system
18 and is in need of a treatment or other service covered by the
19 regional service system.

20 (3) The diagnosis required in subparagraph (2) is made by
21 a qualified professional affiliated with the school district
22 or affiliated with the authorities in charge of the nonpublic
23 school attended by the child.

24 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection
25 3, shall not apply to this Act.

26 EXPLANATION

27 This bill provides eligibility for mental health services
28 through the regional mental health and disability service
29 system for certain children. The regions, consisting of
30 counties, are being formed and phased in during FY 2013-2014.

31 Under current law, eligibility for mental health and
32 intellectual disability services under the regional service
33 system is limited to persons who are at least age 18 and
34 persons who are age 17, are within three months of becoming age
35 18, and are transitioning from the children's system.

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1 The bill provides eligibility for mental health services
2 from the regional system for residents of this state who are
3 children less than age 18, who meet all of the requirements
4 to be eligible for the regional services system other than
5 the minimum age, who have been diagnosed by a qualified
6 professional as having a disorder covered by the regional
7 service system and is in need of a treatment or other service
8 covered by the regional service system, and the diagnosis is
9 made by a qualified professional affiliated with the school
10 district or with the authorities in charge of the nonpublic
11 school attended by the child.

12 The bill may include a state mandate as defined in Code
13 section 25B.3. The bill makes inapplicable Code section 25B.2,
14 subsection 3, which would relieve a political subdivision from
15 complying with a state mandate if funding for the cost of
16 the state mandate is not provided or specified. Therefore,
17 political subdivisions are required to comply with any state
18 mandate included in the bill.



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House File 98 - Introduced

HOUSE FILE 98
BY WOLFE and S. OLSON

A BILL FOR

1 An Act relating to county mental health and disability services
2 fund levies and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 331.424A, subsection 7, as enacted by
2 2012 Iowa Acts, chapter 1120, section 132, is amended to read
3 as follows:

4 7. Notwithstanding subsection 5, for the fiscal years
5 beginning July 1, 2013, and July 1, 2014, county revenues from
6 taxes levied by the county and credited to the county services
7 fund shall not exceed the lower of the following amounts:

8 a. The amount of the county's base year expenditures for
9 mental health and disabilities services.

10 b. The amount equal to the product of the statewide per
11 capita expenditure target for the fiscal year beginning July
12 1, 2013, multiplied by the county's general population for the
13 same fiscal year. However, if the amount in paragraph "a"
14 is greater than the amount in this paragraph and the board
15 of supervisors adopts a resolution declaring that additional
16 funding is necessary for the county to maintain the funding for
17 the service populations or for the level of services specified
18 in the county's approved management plan for the county's
19 mental health, intellectual disability, and developmental
20 disabilities services system under section 331.439, the amount
21 in paragraph "a" shall apply.

22 Sec. 2. FISCAL YEAR 2013-2014 SERVICES FUND LEVIES. If
23 this Act is enacted after a county has adopted the budget
24 and certificate of taxes for the fiscal year beginning July
25 1, 2013, in accordance with section 331.434, the county may
26 amend the budget to increase expenditures of county revenues
27 from taxes as authorized in section 331.424A, subsection 7,
28 as enacted in this Act, and recertify taxes to reflect the
29 increased amount to be credited to the county's services fund,
30 as provided in section 331.424A, subsection 7, as enacted
31 in this Act. A budget amendment and tax recertification
32 undertaken pursuant to this section is not subject to the
33 provisions of section 331.435 or 331.436 or any other provision
34 in law authorizing a county to exceed or increase a property
35 tax levy limit.

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1 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
2 immediate importance, takes effect upon enactment.

3 EXPLANATION

4 This bill relates to the mental health and disability
5 services (MH/DS) fund levy for FY 2013-2014 and FY 2014-2015.
6 Under current law in Code section 331.424A, as amended by 2012
7 Iowa Acts, chapter 1120 (S.F. 2315), the county levy for the
8 MH/DS services fund for the two fiscal years cannot exceed
9 the lower of the following two amounts: the county's base
10 year expenditures for MH/DS, as adjusted for state property
11 tax relief paid in FY 2008-2009 or the statewide expenditure
12 target amount of \$47.28 multiplied by the county's general
13 population. The bill allows a county that adopts a resolution
14 declaring that additional funding is necessary for the county
15 to maintain the funding for service populations or for the
16 level of services specified in the county's approved management
17 plan for the county's MH/DS services system to use the higher
18 of the two amounts.

19 The bill takes effect upon enactment. If the enactment
20 date is after a county has adopted its budget and certificate
21 of taxes for FY 2013-2014, the county may amend its budget to
22 apply the new levy limitation, and the amendment is not subject
23 to protest or to the statutory time periods otherwise applied
24 to a county budget amendment.



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House File 99 - Introduced

HOUSE FILE 99
BY HEATON and HEDDENS

A BILL FOR

1 An Act relating to third-party payment of services provided by
2 a physical therapist.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 514C.30 Services provided by a
2 physical therapist.

3 1. Notwithstanding the uniformity of treatment requirements
4 of section 514C.6, a policy, contract, or plan providing for
5 third-party payment or prepayment of health or medical expenses
6 shall not impose a copayment or coinsurance amount on an
7 insured for services provided by a physical therapist licensed
8 pursuant to chapter 148A that is greater than the copayment or
9 coinsurance amount imposed on the insured for services provided
10 by a person engaged in the practice of medicine and surgery
11 or osteopathic medicine and surgery under chapter 148 for the
12 same or a similar diagnosed condition even if a different
13 nomenclature is used to describe the condition for which the
14 services are provided.

15 2. This section applies to the following classes of
16 third-party payment provider policies, contracts, or plans
17 delivered, issued for delivery, continued, or renewed in this
18 state on or after July 1, 2013:

19 a. Individual or group accident and sickness insurance
20 providing coverage on an expense-incurred basis.

21 b. An individual or group hospital or medical service
22 contract issued pursuant to chapter 509, 514, or 514A.

23 c. An individual or group health maintenance organization
24 contract regulated under chapter 514B.

25 d. A plan established pursuant to chapter 509A for public
26 employees.

27 e. An organized delivery system licensed by the director of
28 public health.

29 3. This section shall not apply to accident-only,
30 specified disease, short-term hospital or medical, hospital
31 confinement indemnity, credit, dental, vision, Medicare
32 supplement, long-term care, basic hospital and medical-surgical
33 expense coverage as defined by the commissioner, disability
34 income insurance coverage, coverage issued as a supplement
35 to liability insurance, workers' compensation or similar

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1 insurance, or automobile medical payment insurance.

2 EXPLANATION

3 This bill provides that a policy, contract, or plan
4 providing for third-party payment or prepayment of health or
5 medical expenses shall not impose a copayment or coinsurance
6 amount on an insured for services provided by a physical
7 therapist that is greater than the copayment or coinsurance
8 amount imposed on the insured for services rendered by a person
9 engaged in the practice of medicine and surgery or osteopathic
10 medicine and surgery for the same or a similar diagnosed
11 condition even if a different nomenclature is used to describe
12 the condition for which the services are provided.

13 The bill applies to specified individual and group policies,
14 contracts, and plans that are issued for delivery, continued,
15 or renewed in this state on or after July 1, 2013.



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House Resolution 7 - Introduced

HOUSE RESOLUTION NO. 7

BY COMMITTEE ON ADMINISTRATION AND RULES
(SUCCESSOR TO HSB 2)

1 A Resolution relating to permanent rules of the House
2 of Representatives for the Eighty-fifth General
3 Assembly.

4 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
5 the permanent rules of the House for the ~~eighty-fourth~~
6 ~~general assembly~~ Eighty-fifth General Assembly be as
7 follows:

8 DIVISION I — GENERAL RULES

9 Rule 1

10 Call to Order and Order of Business

11 The speaker shall take the chair at the hour to
12 which the house has adjourned, and shall immediately
13 call the house to order, correct the journal of the
14 previous day's proceedings, and proceed to other
15 business, including, but not limited to, introduction
16 of bills, reports, messages, communications, business
17 pending at adjournment, announcements, resolutions
18 and bills on their passage, and points of personal
19 privilege.

20 Rule 2

21 Quorum Call and Time of Convening

22 The house shall convene each Monday at 1:00 p.m.
23 and at 8:30 a.m. on all other legislative days, unless
24 otherwise ordered. The time of convening shall be
25 recorded in the journal. The house shall not convene
26 on Sunday during a regular or special session.

27 The speaker or a member may request a roll call to



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1 determine if a quorum is present.

2 Rule 3

3 Absences from the House

4 No member shall be absent without leave while the
5 house is in session unless excused for good cause.

6 Rule 4

7 Preservation of Order

8 The speaker shall preserve order and decorum and
9 speak to points of order. Subject to an appeal to the
10 house by any member, the speaker shall decide questions
11 of order which shall not be debated.

12 The speaker may have the chamber of the house
13 cleared in case of any disturbance or disorderly
14 conduct.

15 Only past legislators, state officials, persons
16 whose presence is deemed by the speaker to be of
17 special significance to the house, and school classes
18 accompanied by teachers and seated in the galleries
19 shall be introduced in the house.

20 No person other than a member of the house shall be
21 allowed to speak from the floor of the house without
22 prior permission of the speaker.

23 The public may take photographs from the galleries
24 at any time. However, the use of flash bulbs or any
25 other artificial lighting is prohibited.

26 Members of the press may photograph from the press
27 box, but shall not use artificial lighting without
28 prior permission from the chief clerk of the house.
29 Photographs shall not be taken on the house floor when
30 the members are voting on a question put before the

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1 house. Photographs or video recordings of the voting
2 boards shall not be taken while a nonrecord roll call
3 vote is displayed. Photographs may be taken on the
4 house floor at other times with the consent of the
5 subject or subjects of the photography.

6 Rule 4A

7 Use of Electronic Devices and Video Streaming in
8 Chamber

9 1. A person present in the house chamber while the
10 house is in order shall mute any cell phone, computer,
11 or other electronic device under the person's control.
12 The speaker may remove from the chamber any person
13 acting in violation of this rule.

14 2. A member shall not use a cell phone or other
15 electronic device to audibly transmit or receive
16 communications while recognized by the presiding
17 officer to speak in debate.

18 3. The speaker shall control the time, place,
19 and manner of use of the house's internet video
20 streaming system on the floor of the house and in the
21 visitors' galleries. However, the speaker shall not
22 edit, censor, or shut off the house's internet video
23 streaming system during debate on the floor of the
24 house.

25 Rule 5

26 Rules of Parliamentary Practice

27 The rules of parliamentary practice in Mason's
28 Manual of Legislative Procedure shall govern the house
29 in all cases where they are not inconsistent with the
30 standing rules of the house, joint rules of the house

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1 and senate, or customary practice of the house.

2 Rule 5A

3 House Budget

4 The speaker of the house shall annually prepare a
5 proposed budget for the house of representatives for
6 the payment of expenses, salaries, per diems, and other
7 items. The proposed budget shall be submitted on the
8 fourteenth day of each legislative session to the house
9 administration and rules committee, which shall approve
10 a proposed budget in house resolution form. The house
11 shall adopt a budget prior to adjournment.

12 Rule 6

13 The Speaker Pro Tempore

14 The house shall, at its pleasure, elect a speaker
15 pro tempore. When the speaker shall for any cause be
16 absent, the speaker pro tempore shall preside, except
17 when the chair is filled by appointment by either
18 the speaker or the speaker pro tempore. If a vacancy
19 occurs in the office of speaker, the speaker pro
20 tempore shall assume the duties and responsibilities
21 of the speaker until such time as the house shall elect
22 a new speaker. The speaker or the speaker pro tempore
23 shall have the right to name any member to perform the
24 duties of speaker, but such substitution shall not
25 extend beyond the adjournment. The acts of the speaker
26 pro tempore shall have the same validity as those of
27 the speaker. In the absence of both the speaker and
28 the speaker pro tempore, the house shall name a speaker
29 who shall preside over it and perform all the duties of
30 the speaker with the exception of signing bills, until

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1 such time as the speaker or speaker pro tempore shall
2 be present, and the person's acts shall have the same
3 force and validity as those of the regularly elected
4 speaker.

5 Rule 7

6 Amendment of Rules

7 A motion to change or rescind a standing rule or
8 order of the house requires one day's notice.

9 Rule 8

10 Violation of House Rules

11 The speaker shall, or any member may, call to order
12 a member who violates the rules of the house. With
13 leave of the house, the member called to order may be
14 permitted to explain. If the case requires it, the
15 member shall be subject to censure of the house.

16 Rule 9

17 Referral of Rule Violations

18 The speaker shall, upon complaint of a member,
19 or upon the speaker's own motion, refer any alleged
20 violation of house or joint rules by house members,
21 employees or staff to the house ethics committee upon
22 an initial finding that an investigation is warranted.

23 The ethics committee shall investigate such
24 allegations and report them back to the house with a
25 recommendation.

26 Rule 10

27 Recognition and Decorum in Debate

28 A member who wishes to speak in debate shall be
29 appropriately attired, with male members wearing coat
30 or tie. After recognition by the chair, a member

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1 shall respectfully address the presiding officer
2 by saying "Mr. or Madam Speaker". A member shall
3 confine all remarks to the question under debate,
4 shall be respectful of other members, and shall avoid
5 referencing or questioning the motives of another
6 member.

Rule 11

Limit on Debate

9 No member shall speak more than once on the same
10 question without leave of the speaker, nor more than
11 twice until every member choosing to speak has spoken,
12 except as provided in Rule 81. A member shall be
13 limited to ten minutes debate on bills, resolutions,
14 and amendments, but may be granted an extension of time
15 by consent of the house. However, the floor manager
16 of a bill or resolution and the lead sponsor of an
17 amendment may exceed the ten-minute limit on opening
18 and closing remarks.

Rule 12

Decorum During Debate

21 No member shall leave the house while the speaker
22 is putting a question. No one shall pass between the
23 speaker and a member who is speaking or two members who
24 have been recognized by the speaker.

Rule 13

Stating the Question

27 When a motion is made, it shall be stated by the
28 speaker. A motion made in writing shall be passed to
29 the speaker's station before it is debated.

Rule 14



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1 Putting the Question

2 Questions shall be distinctly put in this form:

3 "All those in favor of (the question) shall say 'aye';"

4 and after the affirmative voice is expressed, "All

5 those opposed to (the question) shall say 'no'."

6 If the speaker is in doubt or a member of the house

7 requests, a nonrecord roll call vote shall be taken.

8 DIVISION II — EMPLOYEES OF THE HOUSE

9 Rule 15

10 Chief Clerk of the House

11 The chief clerk of the house shall serve as

12 parliamentarian and chief administrative officer of the

13 house under the direction of the speaker of the house.

14 The chief clerk shall supervise the chief clerk's

15 office; be responsible for the custody and safekeeping

16 of all bills, resolutions, and amendments filed,

17 except when they are in the custody of a committee;

18 have charge of the daily journal; have control of all

19 rooms assigned for the use of the house; attest to the

20 accuracy and correctness of text and action on bills

21 and resolutions; process the handling of amendments

22 when filed and during the floor consideration of bills;

23 insert adopted amendments into bills before transmittal

24 to the senate and prior to final enrollment; supervise

25 legislative printing and the distribution of printed

26 material; and perform all other duties pertaining to

27 the office of the chief clerk.

28 Rule 16

29 Legislative and Session Days

30 For purposes of these rules, a legislative day is a

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1 day when the house is called to order. A legislative
2 day that runs past midnight is not considered a new
3 legislative day. A session day is any calendar day
4 beginning with the convening of the annual regular
5 session and ending with adjournment sine die.

6 Rule 17

7 Sergeant-At-Arms

8 The sergeant-at-arms shall execute all orders of
9 the house and the presiding officer; perform all
10 assigned duties related to the policing and good order
11 of the house; supervise the entrance and exit of all
12 persons to and from the chamber; promptly execute all
13 messages, etc.; provide that the chamber is properly
14 ventilated and open for the use of the members; and
15 perform all other services pertaining to the office of
16 sergeant-at-arms.

17 Rule 18

18 Secretaries

19 Each member may hire a secretary for the legislative
20 session who shall be under the general direction of the
21 member and the chief clerk. Secretaries shall be on
22 duty at the house from 8:00 a.m. to 4:30 p.m. Monday
23 through Thursday and on other legislative days when
24 required by the chief clerk, except when excused by the
25 member for whom the secretary works. Secretaries shall
26 perform such duties as may be assigned to them by the
27 member or the chief clerk.

28 Rule 19

29 Extra Compensation of Employees

30 No employee shall receive any extra compensation,

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1 except as provided by the house, or tips for services
2 performed while on duty. Any violation of this rule
3 shall be grounds for removal.

4 DIVISION III — VISITORS AND LOBBYISTS

5 Rule 20

6 Admission to the House; Lobbying

7 The chamber of the house shall include the
8 vestibule, restrooms, bill room, lounge, visitors'
9 galleries, and floor of the house.

10 The floor of the house shall consist of the
11 area between the north and south walls, including
12 the representatives' desks, the press box, and the
13 speaker's station, but excluding the visitors'
14 galleries.

15 During a legislative day while the house is in
16 order, no member of the general assembly or legislative
17 employee or intern shall be admitted to the floor of
18 the house if attired in jeans of any color without
19 leave of the speaker.

20 During a legislative day while the house is in
21 order, and one-half hour before the house convenes and
22 one-half hour after the house recesses or adjourns,
23 no person shall be admitted to the floor of the house
24 except:

25 1. Members of the general assembly and authorized
26 legislative employees in the performance of their
27 duties.

28 2. Former members of the general assembly who are
29 not registered lobbyists.

30 3. A general assembly member's family.

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1 4. Representatives of the press, radio, and
2 television who shall go directly to and from the press
3 box.

4 5. Legislative interns registered with the chief
5 clerk who shall go directly to and from the seat of
6 their assigned representative or to be seated in the
7 perimeter seating area.

8 6. Designated representatives of a political party
9 having members serving in the house.

10 7. Members of the state executive council, the
11 lieutenant governor, the attorney general, the
12 governor's executive assistants and administrative
13 assistants, and the administrative rules coordinator,
14 all of whom shall be confined to the perimeter area.

15 The current status of former members of the general
16 assembly shall govern their access to the floor under
17 these rules.

18 No other persons shall be allowed on the house floor
19 while the house is in order without permission of the
20 presiding officer of the house. When the house is not
21 in order, guests of a member of the general assembly
22 escorted by that member shall be allowed on the house
23 floor.

24 No person admitted to the floor of the house while
25 the house is in order, except members of the general
26 assembly, shall lobby or attempt to exercise any
27 influence with any member for or against any matter
28 then pending or that may thereafter be considered by
29 the house.

30 A registered lobbyist shall not be admitted to

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1 the floor of the house on any legislative day except
2 for ceremonial purposes or for attendance at public
3 hearings.

4 A lobbyist who represents the position of a state
5 government agency, in which the person serves or is
6 employed as the designated representative for purposes
7 of encouraging the passage or defeat of legislation,
8 shall file with the chief clerk of the house a
9 statement of the general subjects of legislation in
10 which the lobbyist is or may be interested, but shall
11 not lobby for or against a bill, resolution, or study
12 bill unless the lobbyist does so with the written
13 authorization and on behalf of a statewide elected
14 or retained official. The official's writing may
15 authorize the lobbyist to register and lobby for or
16 against any or all bills in which the lobbyist is
17 or may be interested or may restrict the lobbyist
18 to register and lobby for or against only some bills
19 in which the lobbyist is or may be interested. The
20 written authorizations shall be filed with the chief
21 clerk, according to a procedure established by the
22 clerk for the filing of the authorizations and for
23 making them available to the public, by the following
24 statewide elected or retained official for the
25 following offices, departments, agencies, and branch:
26 By the attorney general, auditor of state, secretary
27 of state, and treasurer of state, for their respective
28 offices.
29 By the secretary of agriculture, for the department
30 of agriculture and land stewardship.

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1 By the chairperson of the ethics and campaign
2 disclosure board, for the executive director, legal
3 counsel, and other employees of the board.

4 By the governor, for all other executive branch
5 offices and departments.

6 By the chief justice of the supreme court, for the
7 judicial branch.

8 Each member, employee of the house, and registered
9 lobbyist may report violations of this rule immediately
10 to the sergeant-at-arms or the chief clerk.

11 Any person for cause may be summarily dismissed
12 from the chamber of the house, by action of the house,
13 and may forfeit that person's right to admission
14 thereafter.

15 Rule 20A

16 Legislative Interns

17 A member may appoint one or more interns who shall
18 register with the chief clerk. Only one legislative
19 intern per member of the house is allowed on the floor
20 of the house at any one time.

21 Rule 21

22 Distribution of Literature and Other Items

23 No person except a member or employee of the house
24 of representatives shall distribute or cause to be
25 distributed any pamphlets, material, or other printed
26 literature, or any other items to the members' desks
27 in the house without authorization. An employee
28 of the house shall generally distribute or cause
29 to be distributed such literature or items only on
30 behalf of the employee's office or staff. Items which



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1 are permissible gifts under chapter 68B of the Code
2 may be distributed to the members' desks with the
3 authorization of the chief clerk.

4 All copies of pamphlets, material, or printed
5 literature distributed by a member or employee of the
6 house of representatives shall bear the name of the
7 member or employee's office or staff.

8 Other distributions of pamphlets, material, or
9 other printed literature shall bear their source of
10 origin and be distributed through the legislative
11 post office or to the members' desks by completing
12 a form containing a member's or the chief clerk's
13 authorization, with the authorization form filed with
14 the chief clerk. The authorization form shall be
15 retained for a reasonable time period by the chief
16 clerk.

17 Rule 22

18 Distribution of Materials Printed by the State

19 A member of the house shall not distribute maps,
20 books, and pamphlets which have been printed by the
21 state of Iowa and upon which the name of the member
22 of the house has been affixed unless the member has
23 purchased the materials or unless the member has
24 affixed the words "Paid for by the citizens of Iowa and
25 distributed by representative (member's name)."

26 DIVISION IV — FORMS AND PROCEDURES FOR BILLS AND OTHER

27 DOCUMENTS

28 Rule 23

29 Documents Signed by the Speaker

30 All acts and joint resolutions shall be signed by

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1 the speaker, and all writs, warrants, and subpoenas
2 issued by order of the house, shall be signed by the
3 speaker and attested by the chief clerk. The speaker
4 shall cause certificates of recognition or condolence
5 to be issued by the house which shall be signed by
6 the speaker and the chief clerk. The chief clerk
7 shall maintain a list of certificates issued including
8 the name of the requesting member of the house, the
9 name of the recipient, the reason for recognition or
10 condolence, and the date of issuance.

11 Rule 24

12 Presentation of Petitions

13 All petitions, memorials, and other papers addressed
14 to the house shall be signed by the member and filed
15 with the chief clerk. The receipt of petitions shall
16 be noted in the journal and such petitions shall be
17 available in the office of the chief clerk.

18 Rule 25

19 Consideration of Simple and Concurrent Resolutions

20 Action on a simple or concurrent resolution, except
21 a memorial resolution, shall not be taken until one day
22 after the resolution has been placed on the members'
23 desks. After the resolution is adopted, the chief
24 clerk shall have the resolution printed in the compiled
25 journal and shall transmit certified copies of the
26 resolution as directed.

27 Rule 26

28 Unanimous Consent Calendar

29 The speaker may, upon the request of three members,
30 place on a unanimous consent calendar any house

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1 resolution or concurrent resolution which does not
2 contain an appropriation and which has been laid over
3 under Rule 25.

4 If such resolution is placed on the unanimous
5 consent calendar, it may be removed only upon a written
6 request submitted to the speaker by a member of the
7 house.

8 If not removed after five legislative days, the
9 chief clerk shall call up the resolution and without
10 debate the speaker shall pronounce that it has passed
11 by unanimous consent.

12 If the resolution is removed from the unanimous
13 consent calendar, the speaker may again lay the
14 resolution over under Rule 25, place it on a different
15 calendar, or refer the resolution to any of the
16 standing committees of the house.

17 Rule 26A

18 Senate Bills and Resolutions

19 A senate bill or resolution may be referred to a
20 standing committee or passed on file.

21 Rule 27

22 Forms of Bills and Joint Resolutions

23 Every house bill shall be introduced by one or more
24 members or by any standing or specially authorized
25 committee of the house or the administrative rules
26 review committee. All bills and joint resolutions
27 introduced shall be prepared by the legislative
28 services agency with title, enacting clause, text
29 and explanation as directed by the chief clerk of the
30 house. One copy of each bill shall be presented in a

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1 bill cover with the number of copies of the bill and
2 the title as directed by the chief clerk.

3 Rule 28

4 Joint and Nullification Resolutions

5 Joint resolutions shall be framed and treated as
6 bills.

7 A "nullification resolution" is a joint resolution
8 which nullifies all of an administrative rule, or
9 a severable item of an administrative rule adopted
10 pursuant to chapter 17A of the Code. A nullification
11 resolution shall not amend an administrative rule by
12 adding language or by inserting new language in lieu of
13 existing language.

14 A nullification resolution may be introduced by an
15 individual, a standing committee or the administrative
16 rules review committee, and may be referred to a
17 standing committee. A nullification resolution is
18 debatable, but cannot be amended on the floor of the
19 house.

20 Rule 29

21 Time of Introduction of Bills

22 No bill or joint resolution under individual
23 sponsorship, other than a nullification resolution,
24 shall be read for the first time after 4:30 p.m. on
25 Friday of the fifth week of the first regular session
26 of the general assembly unless a formal request for
27 drafting the bill has been filed with the legislative
28 services agency before that time.

29 After adjournment of the first regular session,
30 bills may be prefiled at any time before the convening



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1 of the second regular session. No bill or joint
2 resolution under individual sponsorship, other than a
3 nullification resolution, shall be read for the first
4 time after 4:30 p.m. on Friday of the second week of
5 the second regular session of the general assembly
6 unless a formal request for drafting the bill has been
7 filed with the legislative services agency before that
8 time.

9 However, bills or joint resolutions sponsored
10 by standing committees or the administrative rules
11 review committee, co-sponsored by the majority and
12 minority floor leaders, or companion bills sponsored
13 by the house majority leader and the senate majority
14 leader may be drafted and introduced at any time
15 permissible under Joint Rule 20. House, concurrent,
16 and nullification resolutions may be introduced at any
17 time.

Rule 30

Introduction and Reading of Bills

20 All bills and resolutions to be introduced in the
21 house shall be prepared in proper form and filed
22 with the chief clerk no later than 4:30 p.m. on the
23 legislative day preceding its introduction.

24 Every bill shall receive two readings but no bill
25 shall receive its first and last readings on the same
26 day.

27 A "reading of a bill" as required by these rules
28 shall consist of a reading of the title and enacting
29 clause.

Rule 31

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1 First Reading, Commitment, and Amendment

2 1. A bill is introduced into the house by an
3 initial or "first reading of the bill".

4 2. When the house is in session the first reading
5 shall consist of a "reading" as provided in Rule 30.

6 3. Upon a first reading of the bill, the speaker
7 shall state that it is ready for commitment or
8 amendment; and the speaker shall commit it to the
9 standing or select committee, or to a committee of the
10 whole house. If to a committee of the whole house, the
11 house shall determine on what day.

12 4. On a nonlegislative day the speaker may cause a
13 statement, which shall consist of the title, enacting
14 clause, bill number and committee to which the bill
15 is referred, to be published in the house journal.
16 This publication shall constitute a first reading and
17 commitment and shall contain the notation "read and
18 committed under Rule 31".

19 5. All amendments offered to bills and resolutions
20 shall be accompanied by such copies as the chief clerk
21 shall direct.

22 6. Such amendments shall give the number of
23 the bill sought to amend and the chief clerk shall
24 designate each such amendment thus: Amendment to
25 House File _____, or Senate File _____, by
26 _____.

27 7. A bill reported out by committee shall go to the
28 speaker who shall direct that the bill be placed on the
29 regular calendar unless it covers subject matter more
30 properly within the jurisdiction of some other standing

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1 committee, in which case the speaker shall refer the
2 bill to the proper standing committee. In order to
3 expedite important business and set a definite time for
4 the bill's consideration, the speaker may direct the
5 bill to be placed on the special order calendar.
6 8. No amendment to the rules of the house, to any
7 resolution or bill, except technical amendments and
8 amendments to bills substituted for by senate files
9 containing substantially identical title, language,
10 subject matter, purpose and intrasectional arrangement,
11 shall be considered by the membership of the house
12 without a copy of the amendment having been filed with
13 the chief clerk by 4:00 p.m. or within one-half hour of
14 adjournment, whichever is later, on the day preceding
15 floor debate on the amendment. If the house adjourns
16 prior to 2:00 p.m. on Friday, the final deadline is two
17 hours after adjournment. However, committee amendments
18 filed pursuant to the submission of the committee
19 report may be accepted after this deadline. This
20 provision shall not apply to any proposal debated on
21 the floor of the house after the thirteenth week of
22 the first session and the twelfth week of the second
23 session. No amendment or amendment to an amendment
24 to a bill, rule of the house, or resolution shall be
25 considered by the membership of the house without
26 a copy of the amendment being on the desks of the
27 entire membership of the house prior to consideration.
28 However, the membership of the house may consider an
29 amendment or an amendment to an amendment to a bill,
30 rule of the house, or resolution without a copy of the

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1 amendment being on the desks of the entire membership
2 of the house prior to consideration if a copy of the
3 amendment is made available to the entire membership of
4 the house electronically.

5 Rule 32

6 Commitment of Appropriation and Revenue Bills

7 All bills to appropriate money shall be referred to
8 the appropriations committee, and all bills pertaining
9 to the levy, assessment, or collection of taxes or fees
10 shall be referred to the committee on ways and means.

11 Rule 33

12 Regular Calendar

13 Bills, nullification resolutions, and joint
14 resolutions reported out for passage, amendment and
15 passage, or without recommendation by a committee,
16 or passed on file shall be arranged on a regular
17 calendar by the chief clerk each day and electronically
18 distributed to the members at the opening of each
19 legislative day. The regular calendar shall include
20 a list of bills, nullification resolutions, and joint
21 resolutions which have been special ordered, including
22 the date upon which debate is scheduled to begin
23 on each of them, which shall be no sooner than five
24 session days from the first date of publication on the
25 regular calendar.

26 Rule 34

27 Daily Debate Calendar

28 The majority floor leadership shall cause to
29 be prepared and distributed to the members at the
30 opening of each legislative day when floor action is



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1 scheduled, a daily debate calendar consisting of bills,
2 nullification resolutions, and joint resolutions from
3 the regular calendar setting forth the number and
4 title of bills, nullification resolutions, and joint
5 resolutions for the next legislative day that floor
6 action is scheduled.

7 This rule does not apply to bills which have passed
8 both houses in different forms, reconsiderations, or
9 veto reconsiderations.

10 Rule 35

11 Substitution of Bills

12 A senate bill or resolution may be substituted
13 for an identical house bill or resolution which has
14 been called up for debate. An amendment to a senate
15 bill or resolution which has been substituted for an
16 identical house bill or resolution is out of order if
17 an identical amendment to the house bill or resolution
18 was considered.

19 Rule 36

20 Consideration of Committee Amendments

21 After a bill has been referred and reported back,
22 it shall be considered on its first reading after the
23 amendments of the committee have been read.

24 Rule 37

25 Amendments to Special Order Bills

26 All amendments to bills which have been special
27 ordered shall be filed at least three session days
28 prior to the date set for debate. Amendments to an
29 amendment shall be filed at least two session days
30 prior to the date set for debate. However, corrective

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1 amendments and amendments sponsored by either the
2 majority floor leader or the minority floor leader may
3 be filed at any time. Rule 31, subsection 8, shall not
4 apply to these amendments.

5 A corrective amendment is an amendment which does
6 not substantively change the amendment or the bill.

7 Rule 38

8 Germane Amendments

9 An amendment must be germane to the subject matter
10 of the bill it seeks to amend. An amendment to an
11 amendment must be germane to both the amendment and the
12 bill it seeks to amend. When a member objects to an
13 amendment on grounds that the amendment is not germane,
14 the speaker may invite members, who shall include the
15 majority and minority leaders, to the speaker's station
16 to discuss the objection.

17 Rule 39

18 Consideration of Bills

19 Bills, including committee bills, joint resolutions,
20 and nullification resolutions, reported out for
21 passage, for amendment and passage, or without
22 recommendation by the committee, are first eligible to
23 be acted upon beginning the third legislative day they
24 appear on the regular calendar.

25 Committee reports shall be printed in the journal
26 immediately after they are filed with the chief clerk.
27 Reports recommending bills, joint resolutions, and
28 nullification resolutions for passage, for amendment
29 and passage, or without recommendation shall stand
30 approved unless written objections are filed during

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1 the first legislative day following their printing in
2 the journal. If objections are filed, they shall be
3 disposed of as soon as possible.

4 Rule 40

5 Consideration of Bills Upon Last Reading

6 No amendment, unless by way of correcting an error
7 or omission, shall be received to any bill on its last
8 reading, and no debate shall be allowed on it.

9 Rule 41

10 Printing of Bills and Joint Resolutions

11 Bills and joint resolutions shall be printed in form
12 as provided by law and by rule. Each house may direct
13 the printing of an additional number of its own bills.

14 Legalizing bills of a local or private nature shall
15 be printed in bill form and placed in the files of the
16 members, the same as other bills, in the order of their
17 introduction. The cost of printing shall be deposited
18 with the treasurer of state in advance at a rate to be
19 fixed, and the newspaper publication of the bill shall
20 be without cost to the state. No legalizing act may
21 be introduced until all provisions of law have been
22 complied with.

23 Rule 42

24 Certification and Engrossment of Bills

25 The chief clerk shall certify the passage of each
26 bill and note the date of its passage.

27 In engrossing a bill, the chief clerk shall
28 correct all obvious typographical, spelling, or other
29 clerical errors and change section subunit numbers
30 and letters and internal references as required to

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1 conform the original bill to any amendments which have
2 been adopted. The chief clerk shall report all such
3 corrections or changes in the journal. The engrossed
4 bill shall be placed in the bill file with the original
5 bill and amendments.

6 Rule 43

7 Rereferral

8 A bill may be rereferred by the speaker or, upon
9 motion, by the house at any time before its passage and
10 after the report of its referral to committee.

11 Rule 44

12 Effect of Indefinite Postponement

13 When a question is indefinitely postponed, it shall
14 not be acted upon again during that session.

15 Rule 45

16 Status of Bills Following First Regular Session

17 Except for those bills which have been adopted by
18 both houses in different forms, all bills which have
19 not been withdrawn, defeated or indefinitely postponed,
20 shall be rereferred to committee upon adjournment of
21 the first regular session. Within seven days after
22 the first committee meeting following convening of
23 the second regular session, the committee chair shall
24 submit the bill to the full committee for action or the
25 chair shall reassign the bill to a subcommittee.

26 DIVISION V — COMMITTEE PROCEDURES

27 Rule 46

28 Appointment of Committees

29 All committees shall be appointed by the speaker,
30 unless otherwise especially directed by the house.

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1 Minority party members of a committee shall be
2 appointed by the speaker upon recommendation of the
3 minority leader.

4 Rule 47

5 Reserved

6 Rule 48

7 Study Bills

8 A study bill is any matter which a member of
9 the house wishes to have considered by a standing
10 committee, other than appropriations, without being
11 introduced in the house by a first reading. A
12 study bill shall be prepared in proper form by the
13 legislative services agency prior to submission.

14 Upon taking possession of a study bill, the
15 committee chair shall notify the speaker and then
16 submit four copies of the bill to the legal counsel's
17 office for numbering.

18 A study bill shall bear the name of the member who
19 wishes to have the bill considered. A study bill
20 submitted by a state agency or board for consideration
21 shall bear the name of the state agency or board. A
22 committee chair may submit a study bill in the name of
23 that committee.

24 Final committee action on a study bill shall not be
25 taken until one day following the notation of the study
26 bill assignment in the house journal.

27 Rule 49

28 Committee Meetings

29 No committee, except a conference committee or the
30 administrative rules review committee, shall meet

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1 while the house is in session without special leave.
2 Committees with overlapping memberships shall not meet
3 at the same time without special leave.

4 Rule 50

5 Smoking Prohibited

6 Smoking shall not be permitted in the house or in
7 any area of the capitol building.

8 Rule 51

9 Assignments to Subcommittee

10 The chair of the committee shall report to the house
11 the bill number of each bill assigned to subcommittee
12 and the names of the subcommittee members. The report
13 shall be printed in the journal.

14 All bills, prior to consideration by the committee,
15 shall be referred by the chair to a subcommittee,
16 unless acted upon by a committee of the whole.

17 The chair may assign bills to subcommittees without
18 a meeting of the committee, but the membership of the
19 subcommittee so appointed shall be reported at the next
20 meeting of the committee.

21 Rule 52

22 Open Meetings

23 Standing committee meetings shall be open, and
24 voting by secret ballot is prohibited. The committee
25 on administration and rules may close its meetings to
26 evaluate the professional competency of an individual.

27 Rule 53

28 Quorum and Vote Requirements

29 The committee roll shall be taken at the convening
30 of each meeting to determine the presence of a quorum.

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1 A majority of the committee membership shall constitute
2 a quorum.

3 An affirmative vote of a majority of the committee
4 membership is required to report a bill out of
5 committee or to suspend a committee rule.

6 A motion to reconsider may be made only by a
7 committee member who voted on the prevailing side of
8 the question sought to be reconsidered. A motion to
9 reconsider may only be made prior to the adjournment of
10 the committee meeting at which the bill was reported
11 out.

12 If a member, who is in the committee room when a
13 question to report a bill out of committee is put, has
14 not asked to be excused prior to commencing to take
15 the vote on the question, the member shall vote aye
16 or nay unless the committee has excused the member for
17 special reasons. However, a member may pass on the
18 first taking of the roll call on the question but shall
19 vote aye or nay when the member's name is called for a
20 second time.

21 Rule 54

22 Committee Attendance Record and Report of Committee
23 Form

24 1. A committee attendance record shall be filed
25 with the chief clerk no later than 10:00 a.m. or two
26 hours after the house convenes, whichever is later,
27 of the legislative day immediately following the day
28 of the committee meeting. The committee attendance
29 record is a public record and may be published in the
30 journal. The committee attendance record shall include

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1 the following information:

- 2 a. The time the meeting convened.
3 b. The members present at the meeting.
4 c. The time the meeting adjourned.
5 d. A list of bills receiving final committee
6 disposition.

7 2. A report of committee form shall be filed with
8 the chief clerk no later than 10:00 a.m. or two hours
9 after the house convenes, whichever is later, of the
10 legislative day immediately following the day of the
11 committee meeting for each study bill, numbered bill
12 or resolution receiving final committee disposition.
13 The report of committee form is a public record and
14 a report of committee action shall be printed in the
15 journal. The report of committee form shall include
16 the following information:

- 17 a. The committee action taken.
18 b. The committee amendment number, if any.
19 c. The roll call vote of the committee on final
20 disposition.

21 d. The minority recommendation, if any.

22 3. Upon final adjournment of the first session
23 and final adjournment of the second session of the
24 general assembly, the chair of each committee shall
25 have placed the committee's book of record containing
26 minutes, record roll calls on final disposition, record
27 roll call votes on any amendments considered, rules,
28 etc., with the chief clerk for access of any interested
29 person.

30 Rule 55

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1 Minority Recommendation

2 The minority of the members of a committee may
3 present its recommendations on the final disposition
4 of a bill to the house by attaching its recommendation
5 to the committee report. The minority recommendation
6 shall be noted in the journal along with the committee
7 report.

8 Rule 56

9 Committee Amendment

10 Whenever a committee amendment is proposed which
11 would amend another committee amendment, the amendment
12 shall be drafted in the form of a substitute amendment
13 and shall be considered as such.

14 Rule 57

15 Committee Notice and Agenda

16 Each committee shall prepare and publish a notice
17 and agenda of each committee meeting at least one
18 legislative day prior to the meeting. The notice and
19 agenda may be placed on the desks of or transmitted
20 electronically to committee members.

21 The notice shall contain the committee name, the
22 date, time, and location of the meeting.

23 The agenda shall contain the matters to be
24 discussed, including a list of bills, joint
25 resolutions, nullification resolutions, and study
26 bills by number. The agenda should contain the names
27 of individuals who are scheduled to appear before the
28 committee and the organization which they represent.

29 A bill, joint resolution, nullification resolution,
30 or study bill shall not be reported out of committee if



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1 the bill was not included in the published notice and
2 agenda unless this rule is suspended by a majority of
3 the total membership of the committee.

4 A committee chair may call a meeting without
5 providing the required notice and agenda upon leave
6 of the house if a notice is either electronically
7 transmitted to committee members or placed on the desks
8 of committee members.

9 Rule 58

10 Clearing of Committee Room

11 The chair of a committee may clear the committee
12 room in case of any disturbance or disorderly conduct.

13 Rule 58A

14 Use of Telephonic or Electronic Devices in Committee

15 Rooms Restricted

16 1. In any committee room while a standing committee
17 is in session:

18 a. A person shall mute any cell phone, computer, or
19 other electronic device under the person's control.

20 b. A person shall not use a cell phone or other
21 electronic device to audibly transmit or receive
22 communications.

23 2. The chair or acting chair of a standing
24 committee may clear the committee room of any person
25 acting in violation of this rule.

26 Rule 59

27 Committee Amendments

28 All amendments to a bill or resolution adopted in
29 committee shall be incorporated in a single committee
30 amendment or incorporated in a new committee bill.

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1 Rule 60

2 Withdrawal of Bills, Joint Resolutions, or
3 Nullification Resolutions From Committee

4 A bill, joint resolution, or nullification
5 resolution which has been in committee for eighteen
6 legislative days following notation of such referral
7 in the journal may be withdrawn from the committee and
8 placed on the calendar by an affirmative vote of not
9 less than fifty-one members of the house.

10 Rule 61

11 Committee Public Hearings

12 The chair of a committee may call a public hearing
13 for the purpose of receiving public comment on any
14 matter within the purview of the committee.

15 The chair shall call a public hearing upon the
16 written request of committee members according to
17 committee rules, but no more than one-third of the
18 committee members shall be required.

19 A public hearing shall not be called or requested
20 after final action on the bill, joint resolution,
21 or nullification resolution has been taken by the
22 committee. However, a public hearing called or
23 requested before final action has been taken by the
24 committee may be held after final action on the bill,
25 joint resolution, or nullification resolution has been
26 taken by the committee.

27 The chair shall designate a time and place for a
28 public hearing and provide public notice at least five
29 days prior to a public hearing.

30 A bill, joint resolution, or nullification

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1 resolution for which a public hearing has been called
2 can be voted to the calendar but cannot be debated
3 until after the public hearing has been held. If a
4 bill, joint resolution, or nullification resolution
5 for which a public hearing has been called is not
6 debated by the house during the session in which it
7 is introduced, the request for the public hearing is
8 deemed to have lapsed upon adjournment sine die of that
9 session.

10 However, public hearings which have been requested
11 during or after the 9th week of the first session and
12 during or after the 7th week of the second session must
13 be held within four legislative days of the date of the
14 request.

Rule 62

Limitation on Filing of Claims

17 All claims shall be referred to the appropriations
18 committee. A claim referred to the appropriations
19 committee in a prior session of the general assembly
20 shall not be considered by the appropriations
21 committee or by the house unless it has been
22 specifically referred to this session by a vote of the
23 appropriations committee. The appropriations committee
24 is authorized to set a definite date each session after
25 which it will not receive claims or claim bills for
26 consideration.

DIVISION VI — COMMITTEE OF THE WHOLE

Rule 63

Organization of Committee of the Whole

30 In forming the committee of the whole house, the



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1 speaker shall appoint a member to preside in committee
2 and then leave the chair.

3 Rule 64

4 Rules in Committee of the Whole

5 The rules of the house shall be observed in
6 committee of the whole house, so far as they are
7 applicable.

8 Rule 65

9 Bills in Committee of the Whole

10 Bills committed to the committee of the whole house
11 shall first be debated by section. After the report
12 of the committee of the whole, the bill shall again be
13 subject to debate and amendment before a vote is had on
14 its last reading and passage.

15 Rule 66

16 Amendments by Committee of the Whole

17 All amendments made to a report committed to a
18 committee of the whole house shall be noted and
19 reported as in the case of bills.

20 DIVISION VII — MOTIONS

21 Rule 67

22 Order and Precedence of Motions

23 The following order of motions, listed in order
24 of precedence, shall govern when a question is under
25 debate:

- 26 1. Adjourn.
- 27 2. Recess.
- 28 3. Questions of privilege.
- 29 4. Lay on the table.
- 30 5. Previous question.

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- 1 6. Limit debate.
- 2 7. Postpone definitely or to a certain time.
- 3 8. Refer or rerefer.
- 4 9. Defer.
- 5 10. Amend an amendment.
- 6 11. Amend.
- 7 12. Postpone indefinitely.
- 8 A motion to postpone definitely or to a certain
- 9 time, to refer or commit, or to postpone indefinitely a
- 10 particular question shall not be considered more than
- 11 once on the same day.
- 12 Adoption of a motion to strike the enacting words is
- 13 equivalent to rejection of the question.
- 14 Rule 68
- 15 Order of Consideration of Amendments
- 16 Amendments shall be considered by earliest position
- 17 in the bill. Amendments to the same place in the bill
- 18 shall be considered by the lowest amendment number. An
- 19 amendment which inserts language after a line and an
- 20 amendment which inserts language before the succeeding
- 21 line shall be considered amendments to the same place
- 22 in the bill.
- 23 However, an amendment to strike the enacting clause
- 24 shall always be considered first. An amendment filed
- 25 by a committee shall have the next highest order of
- 26 priority, followed by an amendment to strike everything
- 27 after the enacting clause and insert new language. An
- 28 amendment to strike language or to strike and insert
- 29 new language, except an amendment to strike everything
- 30 after the enacting clause and insert new language,

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1 shall not be considered before amendments to perfect
2 all or part of the same portion of the bill.

3 Rule 69

4 Motions Not Debatable

5 The following motions are not debatable:

- 6 1. Adjourn.
- 7 2. Adjourn to a certain time.
- 8 3. Suspend house rules.
- 9 4. Previous question.
- 10 5. Close debate at a certain time.
- 11 6. Recess.
- 12 7. Defer.
- 13 8. Refer or rerefer.
- 14 9. Lay on the table.
- 15 10. Take from the table.
- 16 11. Call of the house.
- 17 12. Withdraw a bill or resolution from committee.
- 18 13. Appeal a decision of the chair.
- 19 14. Immediately message a bill or resolution.

20 Rule 69A

21 Constitutional Majority

22 1. The following motions require a constitutional
23 majority for approval:

- 24 a. Final passage of a bill, joint resolution, or
25 nullification resolution.
- 26 b. Lay on the table.
- 27 c. Take from the table.
- 28 d. Suspend house rules.
- 29 e. Previous question.
- 30 f. Withdraw a bill or resolution from committee.

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1 g. Reconsider a bill, joint resolution, or
2 nullification resolution.

3 h. Immediately message a bill or resolution.

4 2. A division must be taken on any motion which
5 requires a constitutional majority.

6 Rule 70

7 Motion to Adjourn

8 A motion to adjourn shall always be in order, except
9 when a member is speaking or the house is voting.

10 Rule 71

11 Withdrawal of Motions

12 After a motion is stated by the speaker or read by
13 the chief clerk, it shall be deemed to be in possession
14 of the house, but may be withdrawn by leave of the
15 house.

16 Rule 72

17 Unanimous Consent

18 Unanimous consent of the members may be asked for
19 suspension of any rule of the house. If there is no
20 objection to the request, the rule shall be considered
21 suspended.

22 Rule 73

23 Reconsideration

24 1. A motion to reconsider may be made only by a
25 member who voted on the prevailing side of the question
26 sought to be reconsidered.

27 2. A motion to reconsider may be made not later
28 than adjournment on the legislative day following
29 the legislative day of the action sought to be
30 reconsidered. Where the floor manager voted on



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1 the prevailing side, the floor manager has the
2 prior right to make the motion, until adjournment
3 on the legislative day of the action sought to be
4 reconsidered. A motion to reconsider a nullification
5 resolution shall be acted upon not later than
6 adjournment on the legislative day following
7 the legislative day of the action sought to be
8 reconsidered.

9 3. A motion to reconsider made beginning the
10 fifteenth week of the first regular session, or the
11 thirteenth week of the second regular session, may be
12 taken up when made. A motion made at any other time
13 may be taken up prior to the third legislative day
14 succeeding the legislative day of the action sought
15 to be reconsidered only if called up by the mover,
16 and after the second legislative day succeeding the
17 legislative day of the action sought to be reconsidered
18 if called up by any member.

19 4. The making of a motion to reconsider takes
20 precedence over all other questions.

21 5. When passage, adoption, or failure of any bill,
22 joint resolution, or nullification resolution is
23 reconsidered, questions on amendments may also be
24 reconsidered and shall be disposed of immediately.

25 6. In the event that a motion to reconsider
26 is pending at the end of the first session or any
27 extraordinary session of any general assembly, or the
28 general assembly adjourns sine die, and the motion to
29 reconsider has not been voted upon by the house, the
30 motion shall be determined to have failed.

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1 DIVISION VIII — VOTING

2 Rule 74

3 Manner of Voting

4 Members present may cast their votes, either by
5 operating the voting mechanism located at their
6 assigned desk or by signaling the speaker from the
7 floor of the house or from the south visitors' gallery
8 if they are unable to vote at their assigned desk.
9 Only a member may operate the voting mechanism at that
10 member's assigned desk. The speaker shall announce the
11 votes of members signaling their votes. Upon direction
12 of the speaker only those members at their desks and
13 voting shall be counted. Members who are not present
14 shall not cast their votes except:

15 1. Members who have not voted may record their
16 votes on any record roll call vote except quorum
17 calls within ten minutes after the outcome of the
18 vote has been announced. Members shall initial their
19 recorded votes on a copy of the record roll call at the
20 speaker's station. However, if the aggregate of votes
21 cast under this rule would change the outcome of the
22 vote on a question, then none of the votes cast on the
23 question under this rule shall be recorded. A member
24 may request announcement of the names of members so
25 recorded after the ten-minute period.

26 2. Members meeting in a conference committee
27 or in administrative rules review committee at the
28 time a vote is taken on a question may have their
29 vote recorded within thirty minutes or adjournment,
30 whichever is first, of that same legislative day,

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1 provided the aggregate of votes cast does not change
2 the outcome of the vote on a question.

3 Rule 75

4 Voting in the House and Duty of Voting

5 Voting on a question put to members on the floor of
6 the house shall not occur between midnight and 8 a.m.
7 on any legislative day except for voting on a motion to
8 recess, defer, or adjourn. Except as limited in Rule
9 76, every member who is in the house when a question is
10 put shall vote unless the house has excused that member
11 from voting for special reasons; however, such member
12 must have asked to be excused from voting prior to the
13 time the speaker puts the question.

14 Rule 76

15 Limitation on Right to Vote

16 No member shall vote on any question in which
17 the member or the member's immediate family member,
18 as defined in chapter 68B of the Code, has a direct
19 financial interest different from other similarly
20 situated persons or classes of persons of the general
21 public.

22 Rule 77

23 Call of the House

24 Upon written request of five members, the presiding
25 officer shall compel attendance of absent and unexcused
26 members for the consideration of specified bills,
27 resolutions, or amendments.

28 A call of the house shall specify the propositions
29 to which it is to apply and must be put into effect
30 before roll call is taken on the proposition. The



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1 request may be filed with the chief clerk at any time
2 before final action upon the propositions, who shall
3 notify the house immediately.

4 Rule 78

5 Method of Calling the House

6 Upon a call of the house, the names of the members
7 shall be called by the chief clerk and the absentees
8 noted, after which the names of the absentees shall
9 again be called. The sergeant-at-arms shall be
10 directed by the speaker to compel the attendance of
11 absent members, unless they are previously excused.
12 Any member occupying the member's seat during a call
13 of the house shall be counted by the speaker and that
14 person's name entered in the journal as being present
15 for the purpose of making a quorum.

16 Rule 79

17 Method of Calling the Roll

18 The electrical voting machine shall be used for a
19 call of the house, a quorum call or a roll call vote
20 on any question. If the electrical voting machine is
21 not in operating order when it is necessary to take
22 a record roll call vote, the presiding officer shall
23 order the vote to be taken by calling the roll in
24 alphabetical order, except the name of the presiding
25 officer shall be called last.

26 During the casting of the vote with the voting
27 machine, the individual votes and the vote totals shall
28 be shown on the display boards. Before the voting
29 machine is closed, the presiding officer shall inquire
30 of the house, "Have you all voted?"



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1 Rule 80

2 Quorum and Record Roll Call Votes

3 A majority of the members shall constitute a quorum.

4 A record roll call vote shall be ordered upon
5 request of any two members. The names of the members
6 requesting the record roll call shall be entered in the
7 journal.

8 Rule 81

9 Previous Question

10 When a member moves for the previous question, the
11 member shall state whether the motion will apply to the
12 main question, to all the amendments, or to particular
13 amendments. The motion requires an affirmative vote of
14 at least a constitutional majority of the members. If
15 the motion for a previous question is not adopted, the
16 house shall proceed in the same manner as before the
17 motion was made.

18 If the motion is adopted, all debate must end and
19 the house will vote upon the question except:

20 1. If the motion applies to the main question, the
21 member in charge of the measure will have ten minutes
22 to speak for the purpose of closing discussion before
23 the vote on the measure is taken.

24 2. If the motion applies to an amendment, the
25 member proposing the amendment will have five minutes
26 to speak for the purpose of closing discussion before
27 the vote on the amendment is taken.

28 3. If a member has filed a written request with
29 the chief clerk of the house indicating the member's
30 desire to speak on a particular question. The request

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1 must be filed before the motion is made by the movant.
2 The request allows a member to speak on a particular
3 question before the closing discussion by the member
4 who is in charge of the measure or who is proposing the
5 amendment.

6 Rule 82

7 Division of the Question

8 Any member may call for a division of the question,
9 which shall be divided if it comprehends questions so
10 distinct that one being taken away, the remainder may
11 stand separately for discussion by the house. Upon
12 request to divide an amendment, the chief clerk shall
13 restate the division and note the divided amendment in
14 the house journal. An amendment to strike out being
15 lost shall not preclude an amendment to strike out and
16 insert. An amendment to strike out and insert shall be
17 deemed indivisible.



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House Study Bill 88 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT
OF EDUCATION/BOARD OF
EDUCATIONAL EXAMINERS BILL)

A BILL FOR

1 An Act relating to complaints filed with the board of
2 educational examiners.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 272.2, subsection 15, Code 2013, is
2 amended to read as follows:
3 15. Adopt rules that require specificity in written
4 complaints that are filed by individuals who have personal
5 knowledge of an alleged violation and which are accepted by
6 the board, provide that the jurisdictional requirements as set
7 by the board in administrative rule are met on the face of the
8 complaint before initiating an investigation of allegations,
9 provide that any investigation be limited to the allegations
10 contained on the face of the complaint, provide for an adequate
11 interval between the receipt of a complaint and public notice
12 of the complaint, permit parties to a complaint to mutually
13 agree to a resolution of the complaint filed with the board,
14 allow the respondent the right to review any investigative
15 report upon a finding of probable cause for further action
16 by the board, require that the conduct providing the basis
17 for the complaint occurred within three years of discovery of
18 the event by the complainant unless good cause can be shown
19 for an extension of this limitation, and require the board to
20 complete its investigation of complaints to be resolved and
21 determination of probable cause within one hundred eighty days
22 unless criminal charges relevant to the complaint are pending
23 against the respondent or other good cause can be shown for an
24 extension of this limitation.

25 EXPLANATION

26 The board of educational examiners is required to adopt
27 rules providing that complaints filed with the board must be
28 resolved within 180 days unless good cause can be shown to
29 extend the deadline. This bill strikes that requirement.
30 The bill instead requires the board to adopt rules providing
31 that the board must complete its investigation of complaints
32 and determination of probable cause within 180 days unless
33 criminal charges relevant to the complaint are pending against
34 the respondent or other good cause can be shown to extend the
35 deadline.

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House Study Bill 89 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
EDUCATION BILL)

A BILL FOR

1 An Act relating to education by modifying the duties and
2 operations of the department of education, community
3 colleges, the school budget review committee, and local
4 school boards, eliminating a reporting requirement relating
5 to vocational education funds, and including applicability
6 provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 256.5A, Code 2013, is amended to read as
2 follows:

3 **256.5A Nonvoting member.**

4 1. a. The governor shall appoint the one nonvoting
5 student member of the state board for a term of ~~one year~~ two
6 years beginning and ending as provided in section 69.19. The
7 nonvoting student member shall be appointed from a list of
8 names submitted by the state board of education. Students
9 enrolled in ~~either grade ten or eleven~~ in a public school
10 may apply to the state board to serve as a nonvoting student
11 member.

12 b. The department shall develop an application process that
13 requires the consent of the student's parent or guardian if
14 the student is a minor, initial application approval by the
15 school district in which the student applicant is enrolled, and
16 submission of approved applications by a school district to the
17 department.

18 2. The nonvoting student member's school district of
19 enrollment shall notify the student's parents if the student's
20 grade point average falls during the period in which the
21 student is a member of the state board.

22 3. The state board shall adopt rules under chapter 17A
23 specifying criteria for the selection of applicants whose names
24 shall be submitted to the governor. Criteria shall include,
25 but are not limited to, academic excellence, participation
26 in extracurricular and community activities, and interest in
27 serving on the board. Rules adopted by the state board shall
28 also require, if the student is a minor, supervision of the
29 student by the student's parent or guardian while the student
30 is engaged in authorized state board business at a location
31 other than the community in which the student resides, unless
32 the student's parent or guardian submits to the state board a
33 signed release indicating the parent or guardian has determined
34 that supervision of the student by the parent or guardian is
35 unnecessary.

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1 4. The nonvoting student member appointment is not subject
2 to section 69.16 or 69.16A.

3 5. The nonvoting student member shall have been enrolled
4 in a public school in Iowa for at least one year prior to the
5 member's appointment. ~~A nonvoting student member who will not~~
6 ~~graduate from high school prior to the end of a second term may~~
7 ~~apply to the state board for submission of candidacy to the~~
8 ~~governor for a second one-year term.~~

9 6. A nonvoting student member shall be paid a per diem as
10 provided in section 7E.6 and the student and the student's
11 parent or guardian shall be reimbursed for actual and necessary
12 expenses incurred in the performance of the student's duties as
13 a nonvoting member of the state board.

14 7. A vacancy in the membership of the nonvoting student
15 member shall not be filled until the expiration of the term.

16 Sec. 2. Section 256.30, Code 2013, is amended to read as
17 follows:

18 **256.30 Educational expenses for American Indians.**

19 1. For the fiscal year beginning July 1, 2011, and ending
20 June 30, 2012, and for each succeeding fiscal year, there
21 is appropriated from the general fund of the state to the
22 department the sum of one hundred thousand dollars. The
23 department shall distribute the appropriation to the tribal
24 council of the Sac and Fox Indian settlement for expenses of
25 educating American Indian children residing in the Sac and Fox
26 Indian settlement on land held in trust by the secretary of
27 the interior of the United States in excess of federal moneys
28 paid to the tribal council for educating the American Indian
29 children ~~when moneys are appropriated for that purpose. The~~
30 ~~tribal council shall administer the moneys distributed pursuant~~
31 ~~to this section and shall submit an annual report and other~~
32 ~~reports as required by the department to the department on the~~
33 ~~expenditure of the moneys.~~

34 2. The tribal council shall administer the moneys
35 distributed by the department pursuant to subsection 1 and



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1 shall first use moneys distributed to it by the department
2 of education for the purposes of this section to pay the
3 additional costs of salaries for licensed instructional staff
4 for educational attainment and full-time equivalent years
5 of experience to equal the salaries listed on the proposed
6 salary schedule for the school at the Sac and Fox Indian
7 settlement for that school year, but the salary for a licensed
8 instructional staff member employed on a full-time basis shall
9 not be less than eighteen thousand dollars. The department of
10 management shall approve allotments of moneys appropriated in
11 and distributed pursuant to this section when the department of
12 education certifies to the department of management that the
13 requirements of this section have been met.

14 Sec. 3. Section 257.6, subsection 1, paragraph a,
15 subparagraph (3), Code 2013, is amended to read as follows:

16 (3) Shared-time and part-time pupils of school age enrolled
17 in public schools within the district, irrespective of the
18 districts in which the pupils reside, in the proportion that
19 the time for which they are enrolled or receive instruction for
20 the school year is to the time that full-time pupils carrying
21 a normal course schedule, at the same grade level, in the
22 same school district, for the same school year, are enrolled
23 and receive instruction. Tuition charges to the parent or
24 guardian of a shared-time or part-time nonresident pupil shall
25 be reduced by the amount of any increased state aid received by
26 the district by the counting of the pupil. This subparagraph
27 applies to pupils enrolled in grades nine through twelve under
28 section 299A.8 and to pupils from accredited nonpublic schools
29 accessing classes or services on the accredited nonpublic
30 school premises or the school district site, but excludes
31 accredited nonpublic school pupils receiving classes or
32 services funded by federal grants or allocations.

33 Sec. 4. Section 257.11, subsection 3, paragraph c, Code
34 2013, is amended by striking the paragraph.

35 Sec. 5. Section 257.11, Code 2013, is amended by adding the



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1 following new subsection:

2 NEW SUBSECTION. 7A. *District to community college*
3 *innovative sharing project.* A school district that collaborates
4 with a community college to provide pupils enrolled in the
5 school district's high school with a class that uses an
6 activities-based, project-based, and problem-based learning
7 approach that is offered through a partnership with a
8 nationally recognized provider of rigorous and innovative
9 science, technology, engineering, and mathematics curriculum
10 for schools, which provider is exempt from taxation under
11 section 501(c)(3) of the Internal Revenue Code, is eligible to
12 assign its resident pupils attending the class an additional
13 weighting of the percentage of the pupil's school day during
14 which the pupil attends a class described in this subsection
15 times seventy hundredths. To qualify for additional weighting,
16 the class must supplement, not supplant, high school courses
17 required to be offered pursuant to section 256.11, subsection
18 5.

19 Sec. 6. Section 257.31, subsection 2, Code 2013, is amended
20 to read as follows:

21 2. The committee shall specify publish on the department
22 of education's internet site the number of hearings held
23 annually by the committee during the most recent fiscal year,
24 ~~the reasons for the committee's recommendations, a summary of~~
25 the committee's decisions and recommendations issued during
26 the most recent fiscal year, information about the amounts of
27 property tax levied by school districts for a cash reserve,
28 and other information the committee deems advisable ~~on the~~
29 ~~department of education's internet website.~~

30 Sec. 7. Section 257.37, subsection 4, Code 2013, is amended
31 to read as follows:

32 4. "*Enrollment served*" means the basic enrollment plus the
33 number of nonpublic school pupils served with media services
34 or educational services, as applicable, except that if a
35 nonpublic school pupil or a pupil attending another district

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1 under a whole grade sharing agreement or open enrollment
2 receives services through an area other than the area of the
3 pupil's residence, the pupil shall be deemed to be served by
4 the area of the pupil's residence, which shall by contractual
5 arrangement reimburse the area through which the pupil actually
6 receives services. Each school district shall include in
7 the enrollment report submitted pursuant to section 257.6,
8 subsection 1, the number of nonpublic school pupils within each
9 school district for media and educational services served by
10 the area. However, the school district shall not include in
11 the enrollment report nonpublic school pupils receiving classes
12 or services funded by federal grants or allocations.

13 Sec. 8. Section 258.12, Code 2013, is amended to read as
14 follows:

15 **258.12 Custodian of funds — reports.**

16 The treasurer of state shall be custodian of the funds
17 paid to the state from the appropriations made under said Act
18 of Congress, and shall disburse the same on vouchers audited
19 as provided by law. ~~The treasurer of state shall report~~
20 ~~the receipts and disbursements of said funds to the general~~
21 ~~assembly at each biennial session.~~

22 Sec. 9. Section 259A.1, Code 2013, is amended to read as
23 follows:

24 **259A.1 Tests.**

25 The department of education shall cause to be made
26 available for qualified individuals a high school equivalency
27 diploma. The diploma shall be issued on the basis of
28 satisfactory competence as shown by tests covering all of the
29 following: reading, ~~arts~~, language arts, writing literacy,
30 mathematics, science, and social studies.

31 Sec. 10. Section 259A.2, unnumbered paragraph 2, Code 2013,
32 is amended to read as follows:

33 Application shall be made to a testing center approved by the
34 department of education, accompanied by an application fee in
35 an amount prescribed by the department. The test scores shall



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1 be forwarded by the ~~testing-center~~ scorer of the test to the
2 department.

3 Sec. 11. Section 273.3, subsection 12, Code 2013, is amended
4 to read as follows:

5 12. Prepare an annual budget estimating income and
6 expenditures for programs and services as provided in sections
7 273.1, 273.2, this section, sections 273.4 to 273.9, and
8 chapter 256B within the limits of funds provided under section
9 256B.9 and chapter 257. The board shall give notice of a
10 public hearing on the proposed budget by publication in an
11 official county newspaper in each county in the territory
12 of the area education agency in which the principal place
13 of business of a school district that is a part of the area
14 education agency is located. The notice shall specify the
15 date, which shall be not later than March 1 of each year, the
16 time, and the location of the public hearing. The proposed
17 budget as approved by the board shall then be submitted to the
18 state board of education, on forms provided by the department,
19 no later than March 15 preceding the next fiscal year for
20 approval. The state board shall review the proposed budget of
21 each area education agency and shall before ~~April~~ May 1, either
22 grant approval or return the budget without approval with
23 comments of the state board included. An unapproved budget
24 shall be resubmitted to the state board for final approval not
25 later than ~~April~~ May 15. ~~For the fiscal year beginning July~~
26 ~~1, 1999, and each succeeding fiscal year, the~~ The state board
27 shall give final approval only to budgets submitted by area
28 education agencies accredited by the state board or that have
29 been given conditional accreditation by the state board.

30 Sec. 12. Section 273.13, Code 2013, is amended to read as
31 follows:

32 **273.13 Administrative expenditures.**

33 ~~During the budget year beginning July 1, 1989, and the~~
34 ~~three succeeding budget years, the board of directors of~~
35 ~~an area education agency in which the~~ The administrative



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1 expenditures as a percent of the an area education agency's
2 operating general fund for a base year shall not exceed five
3 percent ~~shall reduce its administrative expenditures to five~~
4 ~~percent of the area education agency's operating fund. During~~
5 ~~each of the four years, the board of directors shall reduce~~
6 ~~administrative expenditures by twenty-five percent of the~~
7 ~~reduction in administrative expenditure required by this~~
8 ~~section. Thereafter, the administrative expenditures shall~~
9 ~~not exceed five percent of the operating fund. Annually, the~~
10 board of directors shall certify to the department of education
11 the amounts of the area education agency's expenditures and
12 its operating general fund. For the purposes of this section,
13 "base year" and "budget year" mean means the same as defined in
14 ~~section 442.6, Code 1989, and section 257.2, and "administrative~~
15 ~~expenditures"~~ means expenditures for executive administration.
16 Sec. 13. Section 273.23, subsection 5, Code 2013, is amended
17 to read as follows:

18 5. The initial board, or new board if established in time
19 under subsection 3, of the newly formed agency shall prepare an
20 annual budget estimating income and expenditures for programs
21 and services as provided in sections 273.1 through 273.9
22 and chapter 256B within the limits of funds provided under
23 section 256B.9 and chapter 257. The board shall give notice
24 of a public hearing on the proposed budget by publication in
25 an official county newspaper in each county in the territory
26 of the area education agency in which the principal place
27 of business of a school district that is a part of the area
28 education agency is located. The notice shall specify the
29 date, which shall not be later than March 1, the time, and
30 the location of the public hearing. The proposed budget as
31 approved by the board shall be submitted to the state board,
32 on forms provided by the department, no later than March 15
33 for approval. The state board shall review the proposed
34 budget of the newly formed area education agency and shall,
35 before ~~April~~ May 1, either grant approval or return the budget

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1 without approval with comments of the state board included. An
2 unapproved budget shall be resubmitted to the state board for
3 final approval not later than ~~April~~ May 15. The state board
4 shall give final approval only to budgets submitted by area
5 education agencies accredited by the state board or that have
6 been given conditional accreditation by the state board.

7 Sec. 14. Section 275.23A, subsection 2, Code 2013, is
8 amended to read as follows:

9 2. Following each federal decennial census the school
10 board shall determine whether the existing director district
11 boundaries meet the standards in subsection 1 according to
12 the most recent federal decennial census. In addition to the
13 authority granted to voters to change the number of directors
14 or method of election as provided in sections 275.35, 275.36,
15 and 278.1, the board of directors of a school district may,
16 following a federal decennial census, by resolution and in
17 accordance with this section, authorize a change in the method
18 of election as set forth in section 275.12, subsection 2, or
19 a change to either five or seven directors after the board
20 conducts a hearing on the resolution. If the board proposes to
21 change the number of directors from seven to five directors,
22 the resolution shall include a plan for reducing the number
23 of directors. If the board proposes to increase the number
24 of directors to seven directors, two directors shall be
25 added according to the procedure described in section 277.23,
26 subsection 2. If necessary, the board of directors shall
27 redraw the director district boundaries. The director district
28 boundaries shall be described in the resolution adopted by
29 the school board. The resolution shall be adopted no earlier
30 than November 15 of the second year immediately following the
31 year in which the federal decennial census is taken nor later
32 than May 15 of the ~~second~~ third year immediately following
33 the year in which the federal decennial census is taken.
34 A copy of the plan shall be filed with the area education
35 agency administrator of the area education agency in which the



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1 school's electors reside. If the board does not provide for
2 an election as provided in sections 275.35, 275.36, and 278.1
3 and adopts a resolution to change the number of directors or
4 method of election in accordance with this subsection, the
5 district shall change the number of directors or method of
6 election as provided unless, within twenty-eight days following
7 the action of the board, the secretary of the board receives a
8 petition containing the required number of signatures, asking
9 that an election be called to approve or disapprove the action
10 of the board in adopting the resolution. The petition must be
11 signed by eligible electors equal in number to not less than
12 one hundred or thirty percent of the number of voters at the
13 last preceding regular school election, whichever is greater.
14 The board shall either rescind its action or direct the
15 county commissioner of elections to submit the question to the
16 registered voters of the school district at an election held
17 on a date specified in section 39.2, subsection 4, paragraph
18 "c". If a majority of those voting on the question at the
19 election favors disapproval of the action of the board, the
20 district shall not change the number of directors or method of
21 election. If a majority of those voting on the question does
22 not favor disapproval of the action, the board shall certify
23 the results of the election to the department of management and
24 the district shall change the number of directors or method of
25 election as provided in this subsection. At the expiration of
26 the twenty-eight-day period, if no petition is filed, the board
27 shall certify its action to the department of management and
28 the district shall change the number of directors or method of
29 election as provided in this subsection.

30 Sec. 15. Section 278.1, subsection 1, paragraph e, Code
31 2013, is amended to read as follows:

32 e. Direct the transfer of any surplus in the debt service
33 fund, physical plant and equipment levy fund, or other capital
34 projects project funds, or public education and recreation levy
35 fund to the general fund.



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1 Sec. 16. Section 279.30, Code 2013, is amended to read as
2 follows:

3 **279.30 Exceptions.**

4 Each payment must be made payable to the person entitled to
5 receive the money or deposited directly into an account at a
6 financial institution, as defined in section 527.2, specified
7 by the person entitled to receive the money. The board of
8 directors of a school district or an area education agency may
9 by resolution authorize the secretary, upon approval of the
10 superintendent or designee, or administrator, in the case of
11 an area education agency, to issue payments when the board
12 of directors is not in session in payment of reasonable and
13 necessary expenses, but only upon verified bills filed with the
14 secretary or administrator, and for the payment of salaries
15 pursuant to the terms of a written contract. Each payment
16 must be made payable only to the person performing the service
17 or presenting the verified bill, and must state the purpose
18 for which the payment is issued. All bills and salaries for
19 which payments are issued prior to audit and allowance by the
20 board must be passed upon by the board of directors at the next
21 meeting and be entered in the regular minutes of the secretary.

22 Sec. 17. Section 279.42, Code 2013, is amended to read as
23 follows:

24 **279.42 Gifts to schools.**

25 The board of directors of a school district ~~which that~~
26 receives funds through gifts, ~~devises, and bequests~~ a gift,
27 devise, or bequest shall deposit ~~these the~~ funds in a trust
28 and fund, permanent fund, or agency fund and shall use them
29 the funds in accordance with the terms of the gift, devise, or
30 bequest.

31 Sec. 18. Section 279.45, Code 2013, is amended to read as
32 follows:

33 **279.45 Administrative expenditures.**

34 ~~For the budget year beginning July 1, 1989, and each of~~
35 ~~the following three budget years, the board of directors of a~~

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1 ~~school district in which the~~ The administrative expenditures
2 as a percent of ~~the~~ a school district's operating general fund
3 for a base year shall not exceed five percent, ~~shall reduce its~~
4 ~~administrative expenditures so that they are one-half percent~~
5 ~~less as a percent of the school district's operating fund than~~
6 ~~they were for the base year. However, a school district is~~
7 ~~not required to reduce its administrative expenditures below~~
8 ~~five percent of its operating fund. Thereafter, a school~~
9 ~~district shall not increase the percent of its administrative~~
10 ~~expenditures compared to its operating fund. Annually,~~
11 the board of directors shall certify to the department of
12 education the amounts of the school district's administrative
13 expenditures and its operating general fund. For the purposes
14 of this section, "base year" and "budget year" mean means
15 the same as defined in ~~section 442.6, Code 1989,~~ and section
16 257.2, and "administrative expenditures" means expenditures for
17 executive administration.

18 Sec. 19. Section 282.10, subsection 4, Code 2013, is amended
19 to read as follows:

20 4. A whole grade sharing agreement shall be signed by the
21 boards of the districts involved in the agreement not later
22 than February 1 of the school year preceding the school year
23 for which the agreement is to take effect. The boards of
24 the districts shall negotiate as part of the new or existing
25 agreement the disposition of ~~teacher quality~~ funding provided
26 under chapter 284.

27 Sec. 20. Section 282.20, unnumbered paragraph 3, Code 2013,
28 is amended to read as follows:

29 On or before February 15 and ~~June~~ July 15 of each year
30 the secretary of the creditor district shall deliver to the
31 secretary of the debtor district an itemized statement of such
32 tuition fees.

33 Sec. 21. Section 291.1, Code 2013, is amended to read as
34 follows:

35 **291.1 President — duties.**

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1 The president of the board of directors shall preside at
2 all of its meetings, sign all contracts made by the board, and
3 appear ~~in~~ on behalf of the corporation in all actions brought
4 by or against it, unless individually a party, in which case
5 this duty shall be performed by the secretary. The president
6 or the president's designee shall sign, using an original or
7 facsimile signature, all school district ~~warrants~~ payments
8 drawn and authorize electronic funds transfers as provided by
9 law. The board of directors, by resolution, may designate an
10 individual, who shall not be the secretary, to sign ~~warrants~~
11 payments or authorize electronic funds transfers on behalf of
12 the president.

13 Sec. 22. Section 291.6, subsection 3, Code 2013, is amended
14 by striking the subsection and inserting in lieu thereof the
15 following:

16 3. *Accounting records.* Keep an accurate accounting record
17 of each payment or electronic funds transfer from each fund
18 which shall be provided monthly to the board of directors. The
19 secretary of the creditor district shall prepare and deliver to
20 debtor districts an itemized statement of tuition fees charged
21 in accordance with sections 275.55A and 282.11, and section
22 282.24, subsection 1.

23 Sec. 23. Section 291.6, subsection 4, Code 2013, is amended
24 to read as follows:

25 4. *Claims.* Keep an accurate ~~account~~ accounting of all
26 expenses incurred by the corporation, and present the same to
27 the board for audit and payment.

28 Sec. 24. Section 291.7, Code 2013, is amended to read as
29 follows:

30 **291.7 Monthly receipts, disbursements, and balances.**

31 The secretary of each district shall file monthly with the
32 board of directors a complete statement of all receipts and
33 disbursements from ~~the various funds~~ each individual fund
34 during the preceding month, and also the balance remaining on
35 hand in ~~the various funds~~ each individual fund at the close of

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1 the period covered by the statement, which monthly statements
2 shall be open to public inspection.

3 Sec. 25. Section 291.8, Code 2013, is amended by striking
4 the section and inserting in lieu thereof the following:

5 **291.8 Payments and electronic funds transfers.**

6 The secretary shall make each authorized payment,
7 countersign using an original or facsimile signature, and
8 maintain accounting records of the payments or electronic funds
9 transfers, showing the number, date, payee, originating fund,
10 the purpose, and the amount, and shall provide to the board at
11 each regular annual meeting a copy of the accounting records
12 maintained by the secretary.

13 Sec. 26. Section 291.12, Code 2013, is amended to read as
14 follows:

15 **291.12 Duties of treasurer — ~~payment of warrants~~ receipts**
16 **and expenditures.**

17 The treasurer shall receive all moneys belonging to the
18 corporation, pay the same out only upon the order of the
19 president countersigned by the secretary, ~~keeping and shall~~
20 keep an accurate account accounting record of all receipts
21 and expenditures ~~in a book provided for that purpose.~~ The
22 treasurer shall register all ~~orders drawn~~ payments and
23 electronic funds transfers made and reported to the treasurer
24 by the secretary, showing the number, date, to whom drawn, the
25 fund ~~upon~~ from which ~~drawn~~ each payment and transfer was made,
26 the purpose and amount.

27 Sec. 27. Section 291.14, Code 2013, is amended to read as
28 follows:

29 **291.14 Financial statement.**

30 The treasurer shall render a statement of the finances of the
31 corporation whenever required by the board, and the treasurer's
32 ~~books~~ accounting records shall always be open for inspection.

33 Sec. 28. Section 298.2, subsections 1 and 5, Code 2013, are
34 amended to read as follows:

35 1. A physical plant and equipment levy of not exceeding

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1 one dollar and sixty-seven cents per thousand dollars of
2 assessed valuation in the district is established except as
3 otherwise provided in this subsection. The physical plant
4 and equipment levy consists of the regular physical plant
5 and equipment levy of not exceeding thirty-three cents per
6 thousand dollars of assessed valuation in the district and
7 a voter-approved physical plant and equipment levy of not
8 exceeding one dollar and thirty-four cents per thousand
9 dollars of assessed valuation in the district. However, the
10 voter-approved physical plant and equipment levy may consist
11 of a combination of a physical plant and equipment property
12 tax levy and a physical plant and equipment income surtax
13 as provided in subsection 4 with the maximum amount levied
14 and imposed limited to an amount that could be raised by a
15 one dollar and thirty-four cent property tax levy. ~~The levy~~
16 ~~limitations of this subsection are subject to subsection 6.~~
17 5. a. The proposition to levy the voter-approved physical
18 plant and equipment levy is not affected by a change in
19 the boundaries of the school district, except as otherwise
20 provided in this section. If each school district involved
21 in a school reorganization under chapter 275 has adopted
22 the voter-approved physical plant and equipment levy ~~or the~~
23 ~~sixty-seven and one-half cents per thousand dollars of assessed~~
24 ~~value schoolhouse levy under section 278.1, subsection 7,~~
25 ~~Code 1989, prior to July 1, 1991,~~ and if the voters have not
26 voted upon the proposition to levy the voter-approved physical
27 plant and equipment levy in the reorganized district, the
28 existing voter-approved physical plant and equipment levy ~~or~~
29 ~~the existing schoolhouse levy, as applicable,~~ is in effect for
30 the reorganized district for the least amount and the shortest
31 time for which it is in effect in any of the districts.
32 b. ~~Authorized levies~~ An authorized levy for the period of
33 time approved ~~are~~ is not affected as a result of a failure of a
34 proposition proposed to expand the purposes for which the funds
35 may be expended.



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1 Sec. 29. Section 298.2, subsection 6, Code 2013, is amended
2 by striking the subsection.

3 Sec. 30. Section 298.3, subsection 1, Code 2013, is amended
4 by adding the following new paragraph:

5 NEW PARAGRAPH. *n.* The purchase, lease, or lease-purchase of
6 desks, furniture, or fixtures exceeding five hundred dollars in
7 value per purchase, lease, or lease-purchase transaction. Each
8 transaction may include multiple desk, furniture, or fixture
9 units.

10 Sec. 31. Section 298A.4, Code 2013, is amended to read as
11 follows:

12 **298A.4 Physical plant and equipment levy fund.**

13 The physical plant and equipment levy fund is a ~~special~~
14 revenue capital project fund. A physical plant and equipment
15 levy fund must be established in any school corporation which
16 levies the tax authorized, whether regular or voter-approved,
17 under section 298.2.

18 Sec. 32. Section 298A.9, Code 2013, is amended to read as
19 follows:

20 **298A.9 Capital project funds.**

21 A capital project fund must be established in any school
22 corporation which issues bonds or other authorized indebtedness
23 for capital projects or which initiates a capital project, or
24 which receives grants or other funds for capital projects.
25 Boards are authorized to establish more than one capital
26 project fund as necessary. Any balance remaining in a capital
27 project fund after the capital project is completed may be
28 retained for future capital projects in accordance with the
29 original purpose of the bond issue or voter-approved levy; or
30 may be transferred, by board resolution, to the debt service
31 fund, to the physical plant and equipment levy fund or another
32 capital project fund, or ~~either~~ to the fund from which the
33 surplus originated; or transferred to the general fund in
34 accordance with section 278.1, subsection 1, paragraph "e".

35 Sec. 33. Section 298A.13, Code 2013, is amended to read as

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1 follows:

2 **298A.13 Trust, permanent, or agency funds.**

3 Trust, permanent, or agency funds shall be established by
4 any school corporation to account for gifts it receives to
5 be used for a particular purpose or to account for money and
6 property received and administered by the district as trustee
7 or custodian or in the capacity of an agent. Boards may
8 establish trust ~~and~~, permanent, or agency funds as necessary.

9 Sec. 34. Section 321.375, subsection 2, Code 2013, is
10 amended to read as follows:

11 2. Prior to hiring an applicant for a school bus driver
12 position, including a contract position, an employer shall have
13 access to and shall review the information in the Iowa court
14 information system available to the general public, the sex
15 offender registry information under section 692A.121 available
16 to the general public, the central registry for child abuse
17 information established under section 235A.14, and the central
18 registry for dependent adult abuse information established
19 under section 235B.5 for information regarding the applicant.
20 An employer shall follow the same procedure ~~every five years~~
21 upon the renewal of an employee's or contract employee's school
22 bus driver's license issued by the department of transportation
23 valid for the operation of a school bus. An employer shall
24 pay for the cost of the registry checks conducted pursuant to
25 this subsection. An employer shall maintain documentation
26 demonstrating compliance with this subsection.

27 Sec. 35. Section 423F.3, subsection 1, paragraph d, Code
28 2013, is amended by striking the paragraph.

29 Sec. 36. REPEAL. Sections 256.20, 256.21, 256.22, 256.23,
30 256.38, 297.35, and 298A.5, Code 2013, are repealed.

31 Sec. 37. APPLICABILITY. The following provision or
32 provisions of this Act apply to school budget years beginning
33 on or after July 1, 2013:

34 1. The section of this Act amending section 298.3,
35 subsection 1.

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1 EXPLANATION

2 This bill makes various changes to Code provisions relating
3 to education as follows:

4 STUDENT STATE BOARD OF EDUCATION MEMBER. Code section
5 256.5A is amended to increase the term of the nonvoting student
6 member of the state board of education from one year to two
7 years, and provides that the student must be enrolled in grade
8 10 when applying for the appointment. Currently, a student may
9 be enrolled in grade 10 or 11 at the time the student applies.

10 AMERICAN INDIAN EDUCATION EXPENSES. Code section 256.30
11 provides for the distribution and administration of moneys to
12 pay the expense of educating American Indian children residing
13 in the Sac and Fox Indian settlement. The bill eliminates
14 language that requires the tribal council to submit an annual
15 report and other reports as required to the department of
16 education on the expenditure of the moneys, and eliminates
17 language that requires the department of education to certify
18 compliance before the department of management can approve
19 allotment of the moneys.

20 ACCREDITED NONPUBLIC SCHOOL PUPIL ENROLLMENT. Code section
21 257.6 is amended to specify that dual enrolled pupils in
22 grades 9 through 12 and accredited nonpublic school pupils
23 enrolled part-time in a school district are eligible to be
24 counted proportionally as shared-time or part-time pupils
25 in a school district's enrollment, but accredited nonpublic
26 pupils receiving classes or services funded by federal grants
27 or allocations are not eligible to be counted in a school
28 district's enrollment. The bill makes a corresponding change
29 to the definition of "enrollment served" in Code section
30 257.37, subsection 4.

31 VOCATIONAL EDUCATION REPORT. The bill amends Code section
32 258.12 to eliminate a provision that requires the treasurer of
33 state to annually report to the general assembly the receipts
34 and disbursements of the funds paid to the state under the
35 federal Carl D. Perkins Vocational and Technical Education Act

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1 of 1998.

2 HIGH SCHOOL EQUIVALENCY DIPLOMAS. The bill amends Code
3 sections 259A.1 and 259A.2 to change subjects covered by high
4 school equivalency diploma tests by eliminating arts and
5 writing and adding literacy, and to require the test scorer,
6 rather than the testing center, to forward test scores to the
7 department.

8 DISTRICT TO COMMUNITY COLLEGE INNOVATIVE SHARING
9 PROJECT. The bill separates from language that provides for
10 district-to-community college sharing and concurrent enrollment
11 program requirements a provision assigning additional
12 supplementary weighting for high school pupils who are enrolled
13 in a class that uses an activities-based, project-based, and
14 problem-based learning approach offered through a partnership
15 with a nationally recognized nonprofit provider of rigorous and
16 innovative science, technology, engineering, and mathematics
17 curriculum for schools. The bill moves the language to a new
18 subsection of Code section 257.11 and authorizes a school
19 district to assign its resident pupils attending the class an
20 additional weighting of the percentage of the pupil's school
21 day during which the pupil attends such classes times seventy
22 hundredths.

23 SCHOOL BUDGET REVIEW COMMITTEE INTERNET SITE INFORMATION.
24 Code section 257.31 is amended to eliminate a requirement that
25 the school budget review committee specify on its internet
26 site annually the reasons for its recommendations, and to add
27 a requirement that the committee publish a summary of its
28 decisions and recommendations issued during the most recent
29 fiscal year.

30 AEA BUDGET DEADLINES. Code sections 273.3 and 273.23
31 are amended to extend by one month the dates by which area
32 education agency proposed budgets must be reviewed, approved,
33 or returned by the state board and resubmitted to the state
34 board if the first submission is not approved.

35 REDISTRICTING FOLLOWING FEDERAL DECENNIAL CENSUS. Code

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1 section 275.23A is amended to move the dates back by which a
2 resolution describing new director district boundaries must be
3 adopted by the school board if the school board redraws its
4 director district boundaries following the federal decennial
5 census. Currently, the resolution can be adopted no earlier
6 than November 15 of the year immediately following the year
7 in which the federal decennial census is taken nor later than
8 May 15 of the second year immediately following the year in
9 which the federal decennial census is taken. The bill moves
10 the timelines to no sooner than November 15 of the second year
11 following the federal decennial census and no later than May 15
12 of the third year following the federal decennial census.

13 SCHOOL AND AEA BOARD PAYMENTS AND WARRANTS. Code section
14 279.30 is amended to allow the board of directors of a
15 school district or of an AEA to direct deposit a payment at
16 a financial institution specified by the person entitled to
17 the money. Code sections 291.1, 291.6, 291.7, 291.8, 291.12,
18 and 291.14 are amended to replace references to "books",
19 "registers", and "warrants" with references to payments,
20 electronic funds transfers, and accounting records and to make
21 related changes.

22 SCHOOL FUNDS FOR GIFTS. Code sections 279.42 and 298A.13 are
23 amended to give school districts the option of establishing a
24 permanent fund for gifts received and to allow school districts
25 to deposit funds received from gifts, devises, and bequests
26 into a trust fund, permanent fund, or agency fund.

27 SCHOOL DISTRICT ADMINISTRATIVE EXPENDITURES. Code sections
28 273.13 and 279.45 are amended to modify language related
29 to a requirement that a school district limit its annual
30 administrative expenses to not more than 5 percent of its
31 general fund for a base year and to replace references to the
32 term "operating fund" with "general fund".

33 WHOLE GRADE SHARING AGREEMENTS. Code section 282.10 is
34 amended to provide that the boards of directors of school
35 districts must negotiate the disposition of any funding

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1 provided under Code chapter 284, not solely teacher quality
2 funding.

3 TUITION FEES. The bill amends Code section 282.20 to change
4 the date by which the secretary of a creditor district must
5 deliver to the secretary of a debtor district an itemized
6 statement of the tuition fees for nonresident pupils enrolled
7 by the creditor district.

8 PHYSICAL PLANT AND EQUIPMENT LEVY. Code section 298A.4
9 is amended to describe the physical plant and equipment levy
10 fund as a "capital project fund", rather than a "special
11 revenue fund". Corresponding changes are made to Code sections
12 278.1(1)(e), 298.2(5)(a), and 298A.9, while Code sections
13 298.2(6) and 423F.3(1)(d) are stricken.

14 REVENUES FROM CERTAIN LEVIES. The bill modifies Code
15 section 298.3(1) to allow the revenue from the regular and
16 voter-approved physical plant and equipment levies to be
17 expended for the purchase, lease, or lease-purchase of desks,
18 furniture, or fixtures exceeding \$500 in value per transaction.
19 Each transaction may include multiple units. These provisions
20 apply to school budget years beginning on or after July 1,
21 2013.

22 SCHOOL BUS DRIVERS. The bill amends Code section 321.375 to
23 provide that the employer of a school bus driver must conduct
24 a review of information in the Iowa court information system
25 and the sex offender, child abuse, and dependent adult abuse
26 registries for information about the driver upon renewal of the
27 driver's school bus driver's license. Currently, the review
28 is required to be conducted every five years upon renewal of
29 the license.

30 OTHER REPEALS. The bill repeals Code sections relating to
31 authorization sought by school districts from the department
32 of education for the maintenance of year around schools, for
33 a grant program to provide sabbaticals for teachers, for
34 an extended year school grant program, for a pilot project
35 to encourage the advancement of women and minorities to



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1 administrative positions in a school district, and for the
2 development of a statewide school-to-work system. The bill
3 also repeals references to the schoolhouse tax levy and fund.



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House Study Bill 90 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act relating to drug control, including the criminal offense
2 of prohibited acts related to controlled substances and the
3 information program for drug prescribing and dispensing, and
4 providing a penalty.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1307DP (6) 85
jm/nh



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1 Section 1. Section 124.403, subsection 2, Code 2013, is
2 amended to read as follows:

3 2. Any person who violates this section, or who acts with,
4 enters into a common scheme or design with, or conspires with
5 one or more other persons to violate this section, is guilty of
6 a ~~serious misdemeanor~~ class "C" felony.

7 Sec. 2. Section 124.552, Code 2013, is amended by adding the
8 following new subsection:

9 NEW SUBSECTION. 5. The program shall include a warning on
10 all reports stating that "Medicaid fraud is a crime. If you
11 suspect Medicaid fraud, call the Iowa Medicaid fraud hotline."
12 The warning shall include the toll-free telephone number of the
13 Iowa Medicaid fraud hotline.

14 Sec. 3. NEW SECTION. **124.556A Medical assistance program**
15 **prescription drug lock-in program.**

16 The board shall collaborate with the department of human
17 services to develop a procedure for the department of human
18 services to provide patient information to the board regarding
19 medical assistance recipients who are participating in the
20 prescription drug lock-in program. The patient lock-in
21 information shall be incorporated into the information
22 reporting database and accessible as provided in section
23 124.533.

24 **EXPLANATION**

25 This bill relates to the criminal offense of prohibited
26 acts related to controlled substances and the information
27 program for drug prescribing and dispensing (Iowa prescription
28 monitoring program).

29 The bill increases the criminal penalty for a conviction
30 for prohibited acts relating to controlled substances in Code
31 section 124.403 from a serious misdemeanor to a class "C"
32 felony. A serious misdemeanor is punishable by confinement for
33 no more than one year and a fine of at least \$315 but not more
34 than \$1,875. A class "C" felony is punishable by confinement
35 for no more than 10 years and a fine of at least \$1,000 but not

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1 more than \$10,000.

2 The bill also requires the Iowa prescription monitoring
3 program to include a warning on all reports stating that
4 "Medicaid fraud is a crime. If you suspect Medicaid fraud,
5 call the Iowa Medicaid fraud hotline." The warning shall
6 include the toll-free telephone number of the hotline.

7 The bill directs the board of pharmacy to collaborate with
8 the department of human services to develop a procedure for the
9 department of human services to provide patient information to
10 the board regarding Medicaid recipients who are participating
11 in the prescription drug lock-in program. The information
12 is then to be incorporated into the information database and
13 accessible to pharmacists, prescribing practitioners, and
14 others as specified in the information access provisions for
15 the information program.



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House Study Bill 91 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to the issuance of a search warrant to
2 authorize the placement, tracking, monitoring, and removal
3 of a global positioning device.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1944HC (2) 85
jm/rj



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1 Section 1. Section 808.1, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. "*Search warrant*" means an order in writing pursuant
4 ~~to the requirements of section 808.3~~, in the name of the
5 state, signed by a magistrate, and directed to a peace officer
6 commanding the officer to search a person, premises, or thing,
7 issued pursuant to the requirements of section 808.3, or to
8 place, track, monitor, or remove a global positioning device,
9 issued pursuant to the requirements of section 808.3A.

10 Sec. 2. **NEW SECTION. 808.3A Application for search warrant**
11 **— global positioning device.**

12 A peace officer may make application to a judicial
13 officer for the issuance of a search warrant to authorize
14 the placement, tracking, monitoring, or removal of a global
15 positioning device, supported by a peace officer's oath
16 or affirmation, which includes facts, information, and
17 circumstances tending to establish sufficient grounds for
18 granting the peace officer's application, and probable cause
19 for believing the grounds exist. Upon a finding of probable
20 cause to issue such a warrant, the judicial officer shall issue
21 a warrant, signed by the judicial officer with the judicial
22 officer's name of office, directed to any peace officer,
23 commanding that the peace officer place, track, monitor, or
24 remove the global positioning device.

25 **EXPLANATION**

26 This bill relates to the issuance of a search warrant
27 regarding the use of a global positioning device.

28 The bill authorizes a peace officer to make an application
29 to a judicial officer for the issuance of a search warrant to
30 authorize the placement, tracking, monitoring, or removal of
31 a global positioning device, if the application is supported
32 by the peace officer's oath and affirmation, including other
33 facts and circumstances that establish sufficient grounds for
34 granting the peace officer's application, and probable cause
35 for believing the grounds exist. Upon a finding of probable

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1 cause to issue a search warrant, the judicial officer shall
2 issue the search warrant, commanding that the peace officer
3 place, track, monitor, or remove the global positioning device.
4 Current law only allows a special state agent, defined in
5 Code section 808B.1 as a peace officer of the department of
6 public safety, to make an application to a judicial officer for
7 the issuance of a search warrant for the placement, tracking,
8 or monitoring of a global positioning device in Code section
9 808B.5(12).



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House Study Bill 92 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
TRANSPORTATION BILL)

A BILL FOR

1 An Act relating to the period of validity of driver's licenses
2 and nonoperator's identification cards, and including
3 effective date and applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321.190, subsection 1, paragraph d, Code
2 2013, is amended to read as follows:

3 d. The fee for a nonoperator's identification card shall
4 be ~~five~~ eight dollars and the card shall be valid for a
5 period of ~~five~~ eight years from the date of issuance. A
6 ~~nonoperator's identification card shall be issued without~~
7 ~~expiration to anyone age seventy or over.~~ If an applicant
8 for a nonoperator's identification card is a foreign national
9 who is temporarily present in this state, the nonoperator's
10 identification card shall be issued only for the length of time
11 the foreign national is authorized to be present as determined
12 by the department, not to exceed two years. An issuance fee
13 shall not be charged for a person whose driver's license or
14 driving privilege has been suspended under section 321.210,
15 subsection 1, paragraph "a", subparagraph (3).

16 Sec. 2. Section 321.196, subsection 1, Code 2013, is amended
17 to read as follows:

18 1. Except as otherwise provided, a driver's license, other
19 than an instruction permit, chauffeur's instruction permit, or
20 commercial driver's instruction permit issued under section
21 321.180, expires ~~five~~ eight years from the licensee's birthday
22 anniversary occurring in the year of issuance if the licensee
23 is between the ages of seventeen years eleven months and
24 seventy years on the date of issuance of the license. If the
25 licensee is under the age of seventeen years eleven months or
26 age seventy or over, the license is effective for a period of
27 two years from the licensee's birthday anniversary occurring in
28 the year of issuance. A licensee whose license is restricted
29 due to vision or other physical deficiencies may be required
30 to renew the license every two years. If a licensee is a
31 foreign national who is temporarily present in this state,
32 the license shall be issued only for the length of time the
33 foreign national is authorized to be present as verified by the
34 department, not to exceed two years.

35 Sec. 3. EMERGENCY RULES. The department of transportation

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1 may adopt emergency rules under section 17A.4, subsection 3,
2 and section 17A.5, subsection 2, paragraph "b", to implement
3 section 321.190, subsection 1, paragraph "d", as amended in
4 this Act, and section 321.196, subsection 1, as amended in
5 this Act, and the rules shall be effective immediately upon
6 filing unless a later date is specified in the rules. Any
7 rules adopted in accordance with this section shall also be
8 published as a notice of intended action as provided in section
9 17A.4. The rules established under this authority may provide
10 for a transition from five-year to eight-year renewal periods
11 for driver's licenses and nonoperator's identification cards.
12 During the transition, the department may issue driver's
13 licenses and nonoperator's identification cards valid for
14 periods of five, six, seven, or eight years to equalize renewal
15 periods and applicants over succeeding years.

16 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
17 immediate importance, takes effect upon enactment.

18 EXPLANATION

19 This bill concerns the period of validity of driver's
20 licenses and nonoperator's identification cards issued by the
21 department of transportation.

22 The bill amends Code section 321.190 to extend the validity
23 of nonoperator's identification cards from five years to eight
24 years, with a corresponding fee increase from \$5 to \$8. In
25 addition, the current provision that provides for issuance of
26 a nonexpiring nonoperator's identification card to a person
27 age 70 or over is stricken. Code section 321.196 is amended
28 to extend the validity of a driver's license from five years
29 to eight years for licenses issued to persons between the ages
30 of 17 years, 11 months, and 70 years. Pursuant to current
31 law, the fee for a driver's license is based on the years of
32 validity; that does not change under the bill. The department
33 is authorized to adopt emergency rules to implement the
34 driver's license and nonoperator's identification card renewal
35 provisions, and to provide for a transition from five-year to

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1 eight-year renewal periods.

2 The bill takes effect upon enactment.



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House Study Bill 93 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act eliminating the war orphans educational assistance fund
2 and transferring moneys and related duties to the veterans
3 trust fund and the commission of veterans affairs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 35A.13, subsection 6, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *m.* Assisting in the education of orphaned
4 children of veterans, as defined in section 35.1, as provided
5 in subsection 6A of this section.
6 Sec. 2. Section 35A.13, Code 2013, is amended by adding the
7 following new subsection:
8 NEW SUBSECTION. 6A. *a.* (1) The commission shall not
9 expend more than six hundred dollars per year for any one child
10 who has lived in the state of Iowa for two years preceding
11 application for state educational assistance, and who is the
12 child of a person who died prior to September 11, 2001, during
13 active federal military service while serving in the armed
14 forces or during active federal military service in the Iowa
15 national guard or other military component of the United
16 States, to defray the expenses of tuition, matriculation,
17 laboratory and similar fees, books and supplies, board,
18 lodging, and any other reasonably necessary expense for the
19 child or children incident to attendance in this state at an
20 educational or training institution of college grade, or in a
21 business or vocational training school with standards approved
22 by the department.
23 (2) A child eligible to receive funds under this subsection
24 shall not receive more than three thousand dollars under this
25 paragraph "a" during the child's lifetime.
26 *b.* (1) Upon application by a child who is less than
27 thirty-one years of age, and who is the child of a person who
28 died on or after September 11, 2001, during active federal
29 military service while serving in the armed forces or during
30 active federal military service in the Iowa national guard
31 or other military component of the United States, and who
32 at the time of entering into active military service had
33 maintained the person's residence in the state for a period
34 of at least six months immediately before entering into
35 active military service, the commission shall provide state

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1 educational assistance in an amount of no more than the highest
2 resident undergraduate tuition rate established per year for
3 an institution of higher learning under the control of the
4 state board of regents less the amount of any state and federal
5 education benefits, grants, or scholarships received by the
6 child, or the amount of the child's established financial need,
7 whichever is less, to defray the expenses of tuition at any
8 postsecondary educational institution in this state.

9 (2) A child eligible to receive state educational
10 assistance under this paragraph "b" shall begin postsecondary
11 education prior to reaching age twenty-six, shall not receive
12 more than an amount equal to five times the highest resident
13 undergraduate tuition rate established per year for an
14 institution of higher learning under the control of the state
15 board of regents during the child's lifetime, and shall, to
16 remain eligible for assistance, meet the academic progress
17 standards of the postsecondary educational institution.
18 Payments for state educational assistance for a child under
19 this paragraph "b" shall be made to the applicable postsecondary
20 educational institution. The college student aid commission
21 may, if requested, assist the commission in administering this
22 paragraph "b".

23 c. Eligibility for assistance pursuant to this subsection
24 shall be determined upon application to the commission, whose
25 decision is final. The eligibility of applicants shall be
26 certified by the commission to the director of the department
27 of administrative services, and all amounts that are or
28 become due an individual or a training institution under this
29 subsection shall be paid to the individual or institution by
30 the director of the department of administrative services upon
31 receipt by the director of certification by the president or
32 governing board of the educational or training institution
33 as to accuracy of charges made, and as to the attendance of
34 the individual at the educational or training institution.
35 The commission may pay over the annual sum set forth in this

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1 subsection to the educational or training institution in a lump
2 sum, or in installments as the circumstances warrant, upon
3 receiving from the institution such written undertaking as the
4 department may require to assure the use of funds for the child
5 for the authorized purposes and for no other purpose. A person
6 is not eligible for the benefits of this subsection until
7 the person has graduated from a high school or educational
8 institution offering a course of training equivalent to high
9 school training.

10 d. Any expense incurred in carrying out the provisions of
11 this subsection shall be chargeable to the trust fund.

12 Sec. 3. REPEAL. Sections 35A.19, 35A.20, 35A.21, and
13 35A.22, Code 2013, are repealed.

14 Sec. 4. TRANSFER OF FUNDS. All unencumbered and unobligated
15 moneys remaining in the war orphans educational assistance fund
16 on July 1, 2013, shall be transferred to the veterans trust
17 fund created in section 35A.13.

18 Sec. 5. ADMINISTRATIVE RULES — TRANSITION PROVISIONS.

19 1. Any rule, regulation, form, order, or directive
20 promulgated by the department of veterans affairs as required
21 to administer and enforce the provisions for the operation
22 of the war orphans educational assistance fund, created in
23 section 35A.19, shall continue in full force and effect until
24 amended, repealed, or supplemented by affirmative action of the
25 commission of veterans affairs.

26 2. Any award issued by the department of veterans affairs,
27 under section 35A.21, and in effect on the effective date
28 of this Act, shall continue in full force and effect until
29 expiration or renewal.

30 EXPLANATION

31 This bill eliminates the war orphans educational assistance
32 fund under the control of the department of veterans affairs.
33 The bill transfers all unencumbered and unobligated moneys in
34 the war orphans educational assistance fund to the veterans
35 trust fund under the control of the commission of veterans

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1 affairs. The bill also transfers to the commission of veterans
2 affairs current Code duties regarding educational assistance to
3 orphaned children of veterans.



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House Study Bill 94 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
VETERANS AFFAIRS BILL BY
CHAIRPERSON ALONS)

A BILL FOR

1 An Act relating to special motor vehicle registration plates
2 for certain disabled military veterans and establishing
3 fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 35A.11, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 11. Disabled veteran — branch of service
4 plates issued pursuant to section 321.34, subsection 27.

5 Sec. 2. Section 321.34, Code 2013, is amended by adding the
6 following new subsection:

7 NEW SUBSECTION. 27. *Disabled veteran — branch of service*
8 *plates.*

9 a. The department, in consultation with the adjutant
10 general, shall design disabled veteran plates as provided in
11 section 321.166, subsection 6, with separate distinguishing
12 processed emblems representing each of the five branches of the
13 United States military service.

14 b. An owner referred to in subsection 12 who is a veteran
15 of the United States armed forces with a service-connected
16 disability rated at ten percent or higher may, upon written
17 application to the department and presentation of satisfactory
18 proof of military service and service-connected disability
19 status, order disabled veteran — branch of service plates
20 associated with the veteran's branch of military service.

21 c. The special fee for the issuance of disabled veteran
22 — branch of service plates is twenty-five dollars, which is
23 in addition to the regular annual registration fee. The fees
24 collected by the director under this subsection shall be paid
25 monthly to the treasurer of state and deposited in the road use
26 tax fund. The treasurer of state shall transfer monthly from
27 the statutory allocations fund created under section 321.145,
28 subsection 2, to the veterans license fee fund created under
29 section 35A.11, the amount of the special fees collected in the
30 previous month for the disabled veteran — branch of service
31 plates.

32 d. Upon receipt of the special registration plates, the
33 applicant shall surrender the current registration plates to
34 the county treasurer. The county treasurer shall validate
35 the special registration plates in the same manner as regular

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1 registration plates are validated under this section. The
2 annual special fee for disabled veteran — branch of service
3 plates is five dollars, which shall be paid in addition to the
4 regular annual registration fee. The annual special plate fee
5 shall be credited and transferred as provided under paragraph
6 "c".

7 e. Notwithstanding any other provision, the owner of a motor
8 vehicle referred to in subsection 12 who is a veteran of the
9 United States armed forces with a service-connected disability
10 rated at eighty percent or higher may order one set of disabled
11 veteran — branch of service plates to be issued at no charge
12 to the applicant in exchange for the registration plates
13 previously issued for the vehicle. A person who is issued
14 special plates under this paragraph is exempt from payment of
15 any annual registration fee for the motor vehicle bearing the
16 special plates. An applicant for special registration plates
17 under this paragraph may order only one set of registration
18 plates under this paragraph, but may order additional disabled
19 veteran — branch of service plates according to the terms of
20 paragraphs "c" and "d".

21 f. The surviving spouse of a person who was issued special
22 plates under this subsection may continue to use or apply for
23 and use the special plates subject to registration of the
24 special plates in the surviving spouse's name and upon payment
25 of the annual five-dollar special plate fee and the regular
26 annual registration fee for the vehicle, if applicable. If the
27 surviving spouse remarries, the surviving spouse shall return
28 the special plates to the department and the department shall
29 issue regular registration plates to the surviving spouse.

30 Sec. 3. Section 321.145, subsection 2, paragraph b,
31 subparagraph (3), Code 2013, is amended to read as follows:

32 (3) The amounts required to be transferred pursuant to
33 section 321.34 from revenues available under this subsection
34 shall be transferred and credited as provided in section
35 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18,

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1 19, 20, 20A, 20B, 20C, 21, 22, 23, 24, 25, and 26, and 27 for
2 the various purposes specified in those subsections.

3 Sec. 4. Section 321.166, subsection 6, Code 2013, is amended
4 to read as follows:

5 6. Registration plates issued to a disabled veteran under
6 the provisions of section 321.34, subsection 27, or section
7 321.105 shall display the alphabetical characters "DV" which
8 shall precede the registration plate number. The plates may
9 also display a persons with disabilities parking sticker if
10 issued to the disabled veteran by the department under section
11 321L.2.

12 EXPLANATION

13 This bill requires the department of transportation to
14 issue special disabled veteran — branch of service motor
15 vehicle registration plates associated with a veteran's branch
16 of military service. The bill requires the department, in
17 consultation with the adjutant general, to design disabled
18 veteran plates with separate distinguishing processed emblems
19 representing each of the five branches of United States
20 military service. The special plates will also display the
21 characters "DV" preceding the registration plate number, which
22 is the case with special plates currently issued to certain
23 seriously disabled veterans. The disabled veteran — branch
24 of service plates will be available to veterans of the United
25 States armed forces who have a service-connected disability
26 rated at 10 percent or higher. The initial fee for issuance of
27 the special plates is \$25, and the annual renewal fee is \$5.
28 Both fees are in addition to the regular annual registration
29 fee for the vehicle.

30 Pursuant to current law, all motor vehicle registration fees
31 are deposited in the road use tax fund. Under the bill, an
32 amount equal to the amount collected from the \$25 issuance fee
33 and the \$5 renewal fee for special disabled veteran — branch
34 of service plates is credited from the statutory allocations
35 fund to the veterans license fee fund administered by the

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1 commission of veterans affairs.

2 The bill provides that a veteran with a service-connected
3 disability rated at 80 percent or higher is entitled to receive
4 one set of the disabled veteran — branch of service plates at
5 no charge, and the veteran is exempt from the payment of annual
6 registration fees for the vehicle for which the special plates
7 are issued.

8 As is the case for other special registration plates
9 connected with military service, the surviving spouse of a
10 veteran who was issued special disabled veteran — branch of
11 service plates may continue to use the special plates, subject
12 to any applicable fees, but must surrender the plates upon
13 remarriage.

14 Under current law, seriously disabled veterans who have been
15 provided with an automobile or other vehicle by the United
16 States government are exempt from the payment of vehicle
17 registration fees and are issued special disabled veteran
18 registration plates. A veteran with those special plates is
19 not required to apply for a persons with disabilities parking
20 sticker. Under the bill, that privilege will continue to apply
21 only to those seriously disabled veterans who display the
22 current disabled veteran plate.



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Senate File 53

S-3001

- 1 Amend Senate File 53 as follows:
2 1. Page 3, line 5, by striking <management> and
3 inserting <education>
4 2. Page 3, line 11, by striking <management> and
5 inserting <education>
6 3. Page 4, by striking lines 6 through 8 and
7 inserting <management shall prorate the amount of each
8 school district's property tax replacement payment and
9 notify the director of the department of education of
10 such prorated amounts.>
11 4. Page 4, after line 8 by inserting:
12 <5. School district replacement payments under this
13 section shall be paid by the department of education at
14 the same time and in the same manner as foundation aid
15 is paid and may be included in the monthly payment of
16 state aid under section 257.16, subsection 2.>
17 5. Page 4, line 9, by striking <5.> and inserting
18 <6.>
19 6. By renumbering as necessary.

HERMAN C. QUIRMBACH



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Senate File 53

S-3002

- 1 Amend Senate File 53 as follows:
2 1. Page 2, line 35, after <subsection 3.> by
3 inserting <However, if the balance of the fund
4 following the transfer from the taxpayers trust fund
5 for a fiscal year is insufficient to lower all school
6 district adjusted additional property tax levy rates to
7 the statewide maximum adjusted additional property tax
8 levy rate, there is appropriated from the general fund
9 of the state to be credited to the fund an amount equal
10 to the difference between the total amount necessary to
11 lower all school district adjusted additional property
12 tax levy rates to the statewide maximum adjusted
13 additional property tax levy rate and the balance of
14 the fund following the transfer from the taxpayers
15 trust fund.>
16 2. Page 3, line 9, after <section.> by inserting
17 <However, if the balance of the fund following the
18 transfer from the taxpayers trust fund for a fiscal
19 year is insufficient to pay all school district
20 property tax replacement payments for the fiscal year,
21 there is appropriated from the general fund of the
22 state to be credited to the fund an amount equal to
23 the difference between the amount necessary to pay all
24 school district property tax replacement payments for
25 the fiscal year and the balance of the fund following
26 the transfer from the taxpayers trust fund.>
27 3. Page 3, lines 18 and 19, by striking <paragraph
28 "c", and subsection 4, if applicable> and inserting
29 <paragraph "c">
30 4. Page 4, by striking lines 3 through 8.
31 5. Page 4, line 9, by striking <5.> and inserting
32 <4.>
33 6. By renumbering as necessary.

MARK CHELGREN

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Senate File 53

S-3003

1 Amend Senate File 53 as follows:

2 1. By striking everything after the enacting clause
3 and inserting:

4 DIVISION I

5 TAXPAYERS TRUST FUND

6 <Section 1. Section 8.54, subsection 5, Code 2013,
7 is amended by striking the subsection.

8 Sec. 2. Section 8.55, subsection 2, Code 2013, is
9 amended to read as follows:

10 2. The maximum balance of the fund is the amount
11 equal to two and one-half percent of the adjusted
12 revenue estimate for the fiscal year. If the amount of
13 moneys in the Iowa economic emergency fund is equal to
14 the maximum balance, moneys in excess of this amount
15 shall be distributed as follows:

16 ~~a. The first sixty million dollars of the~~
17 ~~difference between the actual net revenue for the~~
18 ~~general fund of the state for the fiscal year and the~~
19 ~~adjusted revenue estimate for the fiscal year shall be~~
20 ~~transferred to the taxpayers trust fund.~~

21 ~~b. The remainder of the excess, if any, shall be~~
22 ~~transferred to the general fund of the state.~~

23 Sec. 3. Section 8.57E, subsection 2, Code 2013, is
24 amended to read as follows:

25 2. Moneys in the taxpayers trust fund shall only be
26 used pursuant to appropriations or transfers made by
27 the general assembly for tax relief.

28 Sec. 4. Section 8.58, Code 2013, is amended to read
29 as follows:

30 8.58 Exemption from automatic application.

31 1. ~~To the extent that moneys appropriated under~~
32 ~~section 8.57 do not result in moneys being credited~~
33 ~~to the general fund under section 8.55, subsection 2,~~
34 ~~moneys~~ Moneys appropriated under in section 8.57 and
35 moneys contained in the cash reserve fund, rebuild
36 Iowa infrastructure fund, environment first fund, Iowa
37 economic emergency fund, and taxpayers trust fund shall
38 not be considered in the application of any formula,
39 index, or other statutory triggering mechanism which
40 would affect appropriations, payments, or taxation
41 rates, contrary provisions of the Code notwithstanding.

42 2. ~~To the extent that moneys appropriated under~~
43 ~~section 8.57 do not result in moneys being credited~~
44 ~~to the general fund under section 8.55, subsection 2,~~
45 ~~moneys~~ Moneys appropriated under in section 8.57 and
46 moneys contained in the cash reserve fund, rebuild
47 Iowa infrastructure fund, environment first fund, Iowa
48 economic emergency fund, and taxpayers trust fund shall
49 not be considered by an arbitrator or in negotiations
50 under chapter 20.

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1 Sec. 5. EFFECTIVE UPON ENACTMENT. This division of
2 this Act, being deemed of immediate importance, takes
3 effect upon enactment.

4 Sec. 6. RETROACTIVE APPLICABILITY. This division
5 of this Act applies retroactively to July 1, 2012, to
6 moneys attributed to fiscal years beginning on or after
7 July 1, 2012.

8 DIVISION II

9 IOWA TAXPAYERS TRUST FUND TAX CREDIT

10 Sec. 7. TAXPAYERS TRUST FUND — IOWA TAXPAYERS
11 TRUST FUND TAX CREDIT TRANSFER. During the fiscal
12 year beginning July 1, 2013, there is transferred from
13 the taxpayers trust fund created in section 8.57E to
14 the Iowa taxpayers trust fund tax credit fund created
15 in section 422.11E, an amount equal to the sum of
16 the balance of the taxpayers trust fund as determined
17 after the close of the fiscal year beginning July 1,
18 2012, and ending June 30, 2013, including the amount
19 transferred for that fiscal year to the taxpayers trust
20 fund from the Iowa economic emergency fund created
21 in section 8.55 in the fiscal year beginning July 1,
22 2013, and ending June 30, 2014, to be used for the Iowa
23 taxpayers trust fund tax credit in accordance with
24 section 422.11E, subsection 5.

25 Sec. 8. Section 257.21, Code 2013, is amended to
26 read as follows:

27 **257.21 Computation of instructional support amount.**

28 1. The department of management shall establish
29 the amount of instructional support property tax to be
30 levied and the amount of instructional support income
31 surtax to be imposed by a district in accordance with
32 the decision of the board under section 257.19 for
33 each school year for which the instructional support
34 program is authorized. The department of management
35 shall determine these amounts based upon the most
36 recent figures available for the district's valuation
37 of taxable property, individual state income tax
38 paid, and budget enrollment in the district, and shall
39 certify to the district's county auditor the amount of
40 instructional support property tax, and to the director
41 of revenue the amount of instructional support income
42 surtax to be imposed if an instructional support income
43 surtax is to be imposed.

44 2. The instructional support income surtax shall
45 be imposed on the state individual income tax for the
46 calendar year during which the school's budget year
47 begins, or for a taxpayer's fiscal year ending during
48 the second half of that calendar year and after the
49 date the board adopts a resolution to participate
50 in the program or the first half of the succeeding

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1 calendar year, and shall be imposed on all individuals
2 residing in the school district on the last day of
3 the applicable tax year. As used in this section,
4 "state individual income tax" means the taxes computed
5 under section 422.5, less the amounts of nonrefundable
6 credits allowed under chapter 422, division II, except
7 for the Iowa taxpayers trust fund tax credit allowed
8 under section 422.11E.

9 Sec. 9. NEW SECTION. 422.11E Iowa taxpayers trust
10 fund tax credit.

11 1. For purposes of this section, unless the context
12 otherwise requires:

13 a. "Eligible individual" means, with respect to
14 a tax year, an individual who makes and files an
15 individual income tax return pursuant to section
16 422.13. "Eligible individual" does not include
17 an estate or trust, or an individual for whom an
18 individual income tax return was not timely filed,
19 including extensions.

20 b. "Unclaimed tax credit" means, with respect to
21 a tax year, the aggregate amount by which the Iowa
22 taxpayers trust fund tax credits that were eligible to
23 be claimed by eligible individuals, if any, exceeds the
24 Iowa taxpayers trust fund tax credits actually claimed
25 by eligible individuals, if any.

26 2. The taxes imposed under this division, less the
27 credits allowed under this division except the credits
28 for withheld tax and estimated tax paid in section
29 422.16, shall be reduced by an Iowa taxpayers trust
30 fund tax credit to an eligible individual for the tax
31 year beginning January 1 immediately preceding July 1
32 of any fiscal year during which a transfer, if any, is
33 made from the taxpayers trust fund in section 8.57E to
34 the Iowa taxpayers trust fund tax credit fund created
35 in this section.

36 3. The credit shall be equal to the quotient of
37 the amount transferred to the Iowa taxpayers trust
38 fund tax credit fund in the applicable fiscal year,
39 divided by the number of eligible individuals for the
40 tax year immediately preceding the tax year for which
41 the credit in this section is allowed, as determined
42 by the director of revenue in accordance with this
43 section, rounded down to the nearest whole dollar. The
44 department of revenue shall draft the income tax form
45 for any tax year in which a credit will be allowed
46 under this section to provide the information and space
47 necessary for eligible individuals to claim the credit.

48 4. Any credit in excess of the taxpayer's liability
49 for the tax year is not refundable and shall not be
50 credited to the tax liability for any following year

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1 or carried back to a tax year prior to the tax year in
2 which the taxpayer claims the credit.

3 5. a. There is established within the state
4 treasury under the control of the department an Iowa
5 taxpayers trust fund tax credit fund consisting of any
6 moneys transferred by the general assembly by law from
7 the taxpayers trust fund created in section 8.57E for
8 purposes of the credit provided in this section. For
9 the fiscal year beginning July 1, 2013, and for each
10 fiscal year thereafter, the department shall transfer
11 from the Iowa taxpayers trust fund tax credit fund
12 to the general fund of the state, the lesser of the
13 balance of the Iowa taxpayers trust fund tax credit
14 fund or an amount of money equal to the Iowa taxpayers
15 trust fund tax credits claimed in that fiscal year, if
16 any. Any moneys in the Iowa taxpayers trust fund tax
17 credit fund which represent unclaimed tax credits shall
18 immediately revert to the taxpayers trust fund created
19 in section 8.57E. Interest or earnings on moneys in
20 the Iowa taxpayers trust fund tax credit fund shall be
21 credited to the taxpayers trust fund created in section
22 8.57E.

23 b. The moneys transferred to the general fund of
24 the state in accordance with this subsection shall not
25 be considered new revenues for purposes of the state
26 general fund expenditure limitation under section 8.54
27 but instead as replacement of a like amount included in
28 the expenditure limitation for the fiscal year in which
29 the transfer is made.

30 Sec. 10. Section 422D.2, Code 2013, is amended to
31 read as follows:

32 **422D.2 Local income surtax.**

33 A county may impose by ordinance a local income
34 surtax as provided in section 422D.1 at the rate set
35 by the board of supervisors, of up to one percent,
36 on the state individual income tax of each individual
37 residing in the county at the end of the individual's
38 applicable tax year. However, the cumulative total of
39 the percents of income surtax imposed on any taxpayer
40 in the county shall not exceed twenty percent. The
41 reason for imposing the surtax and the amount needed
42 shall be set out in the ordinance. The surtax rate
43 shall be set to raise only the amount needed. For
44 purposes of this section, "*state individual income tax*"
45 means the tax computed under section 422.5, less the
46 amounts of nonrefundable credits allowed under chapter
47 422, division II, except for the Iowa taxpayers trust
48 fund tax credit allowed under section 422.11E.

49 Sec. 11. **EFFECTIVE UPON ENACTMENT.** This division
50 of this Act, being deemed of immediate importance,

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1 takes effect upon enactment.
2 Sec. 12. RETROACTIVE APPLICABILITY. This division
3 of this Act applies retroactively to January 1, 2013,
4 for tax years beginning on or after that date.>
5 2. Title page, by striking lines 1 through 5 and
6 inserting <An Act relating to the taxpayers trust fund
7 by modifying the transfer of moneys from the Iowa
8 economic emergency fund to the taxpayers trust fund,
9 allowing transfers from the taxpayers trust fund,
10 creating an Iowa taxpayers trust fund tax credit and
11 fund and providing for the transfer of moneys from the
12 taxpayers trust fund for purposes of the credit, and
13 including effective date and retroactive>
14 3. By renumbering as necessary.

RANDY FEENSTRA

BILL ANDERSON

JONI ERNST

MARK CHELGREN

RICK BERTRAND

BILL DIX

CHARLES SCHNEIDER

MICHAEL BREITBACH

DENNIS GUTH



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JERRY BEHN

DAN ZUMBACH

SANDRA H. GREINER

MARK SEGEBART

DAVID JOHNSON

HUBERT HOUSER

TIM KAPUCIAN

ROBY SMITH

NANCY J. BOETTGER

JACK WHITVER

BRAD ZAUN

JAKE CHAPMAN

KEN ROZENBOOM



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AMY SINCLAIR



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Senate Concurrent Resolution 1 - Introduced

SENATE CONCURRENT RESOLUTION NO. 1

BY ZAUN, JOHNSON, CHELGREN, and WHITVER

1 A Concurrent Resolution urging the members of the
2 Congress of the United States to propose a balanced
3 budget amendment to the Constitution of the
4 United States for submission to the states for
5 ratification.

6 WHEREAS, the General Assembly of the state of Iowa
7 acknowledges that the United States of America is
8 facing a crippling debt crisis because of expenditures
9 in excess of revenues and unwise fiscal policies; and

10 WHEREAS, a near majority of United States Senators
11 specifically expressed support for a requirement to
12 balance the federal budget; and

13 WHEREAS, on December 14, 2011, the United States
14 Senate considered but did not approve the following
15 proposed Constitutional Amendment, Senate Joint
16 Resolution 10, which was originally introduced
17 by United States Senators Orrin Hatch and Charles
18 Grassley, and other senators:

19 Section 1. Total outlays for any fiscal year shall
20 not exceed total receipts for that fiscal year, unless
21 two-thirds of the duly chosen and sworn Members of each
22 House of Congress shall provide by law for a specific
23 excess of outlays over receipts by a roll call vote.

24 Section 2. Total outlays for any fiscal year shall
25 not exceed 18 percent of the gross domestic product of
26 the United States for the calendar year ending before
27 the beginning of such fiscal year, unless two-thirds
28 of the duly chosen and sworn Members of each House of

LSB 1784XS (2) 85

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S.C.R. 1

1 Congress shall provide by law for a specific amount in
2 excess of such 18 percent by a roll call vote.

3 Section 3. Prior to each fiscal year, the President
4 shall transmit to the Congress a proposed budget for
5 the United States Government for that fiscal year in
6 which—

7 (1) total outlays do not exceed total receipts; and

8 (2) total outlays do not exceed 18 percent of the
9 gross domestic product of the United States for the
10 calendar year ending before the beginning of such
11 fiscal year.

12 Section 4. Any bill that imposes a new tax or
13 increases the statutory rate of any tax or the
14 aggregate amount of revenue may pass only by a
15 two-thirds majority of the duly chosen and sworn
16 Members of each House of Congress by a roll call
17 vote. For the purpose of determining any increase in
18 revenue under this section, there shall be excluded any
19 increase resulting from the lowering of the statutory
20 rate of any tax.

21 Section 5. The limit on the debt of the United
22 States shall not be increased, unless three-fifths
23 of the duly chosen and sworn Members of each House of
24 Congress shall provide for such an increase by a roll
25 call vote.

26 Section 6. The Congress may waive the provisions
27 of sections 1, 2, 3, and 5 of this article for any
28 fiscal year in which a declaration of war against a
29 nation-state is in effect and in which a majority of
30 the duly chosen and sworn Members of each House of

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S.C.R. 1

1 Congress shall provide for a specific excess by a roll
2 call vote.

3 Section 7. The Congress may waive the provisions
4 of sections 1, 2, 3, and 5 of this article in any
5 fiscal year in which the United States is engaged in a
6 military conflict that causes an imminent and serious
7 military threat to national security and is so declared
8 by three-fifths of the duly chosen and sworn Members
9 of each House of Congress by a roll call vote. Such
10 suspension must identify and be limited to the specific
11 excess of outlays for that fiscal year made necessary
12 by the identified military conflict.

13 Section 8. No court of the United States or of any
14 State shall order any increase in revenue to enforce
15 this article.

16 Section 9. Total receipts shall include all
17 receipts of the United States Government except those
18 derived from borrowing. Total outlays shall include
19 all outlays of the United States Government except
20 those for repayment of debt principal.

21 Section 10. The Congress shall have power to
22 enforce and implement this article by appropriate
23 legislation, which may rely on estimates of outlays,
24 receipts, and gross domestic product.

25 Section 11. This article shall take effect
26 beginning with the fifth fiscal year beginning after
27 its ratification; and

28 WHEREAS, proposing and ratifying this amendment
29 would provide a requirement in the Constitution of
30 the United States for a balanced federal budget; NOW

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S.C.R. 1

1 THEREFORE,
2 BE IT RESOLVED BY THE SENATE, THE HOUSE OF
3 REPRESENTATIVES CONCURRING, That the Iowa General
4 Assembly urges the members of the United States Senate
5 and the United States House of Representatives from
6 this state to support a proposed balanced budget
7 amendment, the same or substantially similar to
8 that described by this resolution, by cosponsoring
9 resolutions proposing the amendment in their respective
10 chambers; and
11 BE IT FURTHER RESOLVED, That the Iowa General
12 Assembly urges the members of the Congress of the
13 United States to adopt a proposed balanced budget
14 amendment, the same or substantially similar to that
15 described by this resolution, for submission to the
16 states of the United States for ratification; and
17 BE IT FURTHER RESOLVED, That upon passage of this
18 resolution, the Secretary of the Senate shall transmit
19 copies of this resolution to the President of the
20 Senate and members of the United States Senate, the
21 Speaker and members of the United States House of
22 Representatives, and to the clerk of each of the
23 legislative chambers of the other states.

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Iowa General Assembly
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Senate File 100 - Introduced

SENATE FILE 100
BY ERNST

A BILL FOR

1 An Act relating to the military service property tax exemption
2 and credit by increasing the exemption amount, and including
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1469XS (1) 85
md/sc



Iowa General Assembly
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S.F. 100

1 Section 1. Section 426A.11, subsections 1 and 2, Code 2013,
2 are amended to read as follows:

3 1. The property, not to exceed ~~two thousand seven hundred~~
4 ~~seventy-eight~~ fourteen thousand five hundred dollars in taxable
5 value of any veteran, as defined in section 35.1, of the First
6 World War.

7 2. The property, not to exceed ~~one thousand eight hundred~~
8 ~~fifty-two~~ fourteen thousand five hundred dollars in taxable
9 value of an honorably separated, retired, furloughed to a
10 reserve, placed on inactive status, or discharged veteran, as
11 defined in section 35.1, subsection 2, paragraph "a" or "b".

12 Sec. 2. APPLICABILITY. This Act applies to property taxes
13 due and payable in fiscal years beginning on or after July 1,
14 2014.

15 EXPLANATION

16 Under current law, veterans of the First World War are
17 entitled to a property tax exemption of \$2,778 in taxable value
18 and honorably discharged veterans who served during other
19 specific time periods are entitled to a property tax exemption
20 of \$1,852 in taxable value. This bill increases the exemption
21 amount for all eligible veterans to \$14,500.

22 Under current law, the state provides funding to local
23 governments for the military service property tax exemption and
24 credit up to \$6.92 per \$1,000 of assessed value of the exempt
25 property.

26 Code section 25B.7 provides that if a state appropriation
27 made to fund the credit or exemption is not sufficient to fully
28 fund the credit or exemption, the political subdivision shall
29 be required to extend to the taxpayer only that portion of the
30 credit or exemption estimated by the department of revenue to
31 be funded by the state appropriation. The provisions of Code
32 section 25B.7 apply to the military service property tax credit
33 and exemption to the extent of \$6.92 per \$1,000 of assessed
34 value of the exempt property.

35 The bill applies to property taxes due and payable in fiscal

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S.F. 100

1 years beginning on or after July 1, 2014.



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Senate File 101 - Introduced

SENATE FILE 101
BY DANIELSON

A BILL FOR

1 An Act relating to coverage for foster children under the
2 Medicaid program, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1831XS (4) 85
pf/nh



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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S.F. 101

1 Section 1. Section 249A.3, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. v. Beginning July 1, 2013, is an individual
4 who was in foster care under the responsibility of the state
5 and meets all other requirements specified in sections 2004 and
6 10201 of the federal Patient Protection and Affordable Care
7 Act, Pub. L. No. 111-148.

8 Sec. 2. MEDICAID COVERAGE FOR FOSTER CHILDREN — STATE
9 PLAN. The department of human services shall submit a medical
10 assistance state plan amendment to the centers for Medicare and
11 Medicaid services of the United States department of health and
12 human services to implement this Act effective July 1, 2013.

13 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
14 immediate importance, takes effect upon enactment.

15 EXPLANATION

16 This bill includes as a mandatory eligible group under
17 the Medicaid program, foster children who were under the
18 responsibility of the state, as required pursuant to the
19 federal Patient Protection and Affordable Care Act (ACA) of
20 2010. The ACA requires that foster children are eligible for
21 Medicaid coverage until they reach age 26 if they were in
22 foster care when they turned 18 or a higher age as provided for
23 coverage of foster care children under the Medicaid state plan
24 (up to 21 years of age in Iowa), and were enrolled in Medicaid
25 at that time. This provision mirrors another provision in
26 the ACA which provides the opportunity for health insurance
27 coverage for children up to age 26 under a parent's insurance
28 policy. The requirements under the ACA are effective January
29 1, 2014. The bill provides for implementation July 1, 2013.
30 The bill also directs the department of human services to
31 submit a Medicaid state plan amendment to implement the bill
32 effective July 1, 2013. The bill takes effect upon enactment.



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Senate File 102 - Introduced

SENATE FILE 102
BY ANDERSON and FEENSTRA

A BILL FOR

1 An Act concerning requirements for state purchasing from prison
2 industries.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1527XS (3) 85
ec/nh



Iowa General Assembly
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S.F. 102

1 Section 1. Section 904.808, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. c. When a comparable bid for a similar
4 product has been received from an Iowa-based business and
5 the director of the department of administrative services
6 has determined the product from the Iowa-based business is
7 comparable or of better value in both quality and price to a
8 similar product available from Iowa state industries.
9 Sec. 2. Section 904.808, subsection 3, Code 2013, is amended
10 to read as follows:
11 3. A department or agency of the state ~~shall~~ may cooperate
12 and enter into agreements, if possible, for the provision of
13 products and services under an inmate work program established
14 by the state director under section 904.703.

15 EXPLANATION

16 Code section 904.808(1) is amended to provide that a
17 department or agency of state government is not required to
18 purchase a product from Iowa state industries if a comparable
19 bid for a similar product of comparable or better value has
20 been received from an Iowa-based business.
21 Code section 904.808(3), requiring a department or agency of
22 the state to cooperate and enter into agreements, if possible,
23 for the provision of products and services under an inmate work
24 program, is amended to provide that a department or agency may
25 cooperate and enter into such agreements.



Iowa General Assembly
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Senate File 103 - Introduced

SENATE FILE 103
BY CHELGREN

A BILL FOR

1 An Act prohibiting labor unions from knowingly collecting dues
2 from persons not lawfully present in the United States and
3 providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1790SS (1) 85
je/rj



Iowa General Assembly
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S.F. 103

1 Section 1. NEW SECTION. 731A.1 Union dues from persons not
2 lawfully present in United States prohibited.

3 1. It shall be unlawful for a labor union, association,
4 or organization, or an officer, representative, agent, or
5 member thereof, to knowingly accept dues, charges, fees,
6 contributions, fines, or assessments from a person who is not
7 lawfully present in the United States.

8 2. a. If a labor union, association, or organization, or
9 an officer, representative, agent, or member thereof, violates
10 this section, the labor union, association, or organization
11 shall pay the following civil penalty:

12 (1) For a first violation, not less than two hundred fifty
13 dollars and not more than two thousand dollars for each person
14 who is not lawfully present in the United States from whom
15 dues, charges, fees, contributions, fines, or assessments are
16 accepted.

17 (2) For a second violation, not less than two thousand
18 dollars and not more than five thousand dollars for each person
19 who is not lawfully present in the United States from whom
20 dues, charges, fees, contributions, fines, or assessments are
21 accepted.

22 (3) For a third or subsequent violation, not less than
23 three thousand dollars and not more than ten thousand dollars
24 for each person who is not lawfully present in the United
25 States from whom dues, charges, fees, contributions, fines, or
26 assessments are accepted.

27 b. In addition, if a labor union, association, or
28 organization, or an officer, representative, agent, or member
29 thereof, is found to have violated this section, the labor
30 union, association, or organization shall be assessed the costs
31 of the action to enforce the civil penalty, including the
32 reasonable costs of investigation and attorney fees.

33 3. A civil action to enforce this provision shall be by
34 equitable proceedings instituted by the attorney general or a
35 county attorney.

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S.F. 103

1 4. Penalties collected pursuant to this section shall be
2 paid to the treasurer of state for deposit in the general fund
3 of the state.

4 EXPLANATION

5 This bill prohibits any labor union, association, or
6 organization, or the officers, representatives, agents or
7 members thereof, from knowingly accepting dues, charges, fees,
8 contributions, fines, or assessments from a person who is not
9 lawfully present in the United States.

10 The bill provides that if a labor union, association,
11 or organization, or the officers, representatives, agents,
12 or members thereof, violate the bill, the labor union,
13 association, or organization shall pay a civil penalty in
14 the amount of at least \$250 and not more than \$2,000 for a
15 first violation, at least \$2,000 and not more than \$5,000 for
16 a second violation, and at least \$3,000 and not more than
17 \$10,000 for a third or subsequent violation. The labor union,
18 association, or organization shall also be assessed the costs
19 of the action to enforce the civil penalty, including the
20 reasonable costs of investigation and attorney fees. The bill
21 provides that a civil action to enforce the bill shall be by
22 equitable proceedings instituted by the attorney general or a
23 county attorney. The bill provides that penalties collected
24 pursuant to the bill shall be paid to the treasurer of state
25 for deposit in the state general fund.



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Senate File 104 - Introduced

SENATE FILE 104
BY CHELGREN

A BILL FOR

1 An Act exempting from the computation of net income for the
2 individual state income tax all social security benefits
3 and governmental or other pension or retirement pay, and
4 including effective date and retroactive applicability
5 provisions.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1065XS (4) 85
mm/sc



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S.F. 104

1 Section 1. Section 422.7, subsection 13, Code 2013, is
2 amended by striking the subsection and inserting in lieu
3 thereof the following:

4 13. Subtract, to the extent included, the amount of social
5 security benefits taxable under section 86 of the Internal
6 Revenue Code.

7 Sec. 2. Section 422.7, subsection 31, Code 2013, is amended
8 to read as follows:

9 31. ~~For a person who is disabled, or is fifty-five years of~~
10 ~~age or older, or is the surviving spouse of an individual or~~
11 ~~a survivor having an insurable interest in an individual who~~
12 ~~would have qualified for the exemption under this subsection~~
13 ~~for the tax year, subtract~~ Subtract, to the extent included,
14 the total amount of a governmental or other pension or
15 retirement pay, including, but not limited to, defined benefit
16 or defined contribution plans, annuities, individual retirement
17 accounts, plans maintained or contributed to by an employer,
18 or maintained or contributed to by a self-employed person as
19 an employer, and deferred compensation plans or any earnings
20 attributable to the deferred compensation plans, ~~up to a~~
21 ~~maximum of six thousand dollars for a person, other than a~~
22 ~~husband or wife, who files a separate state income tax return~~
23 ~~and up to a maximum of twelve thousand dollars for a husband~~
24 ~~and wife who file a joint state income tax return. However, a~~
25 ~~surviving spouse who is not disabled or fifty-five years of age~~
26 ~~or older can only exclude the amount of pension or retirement~~
27 ~~pay received as a result of the death of the other spouse. A~~
28 ~~husband and wife filing separate state income tax returns or~~
29 ~~separately on a combined state return are allowed a combined~~
30 ~~maximum exclusion under this subsection of up to twelve~~
31 ~~thousand dollars. The twelve thousand dollar exclusion shall~~
32 ~~be allocated to the husband or wife in the proportion that each~~
33 ~~spouse's respective pension and retirement pay received bears~~
34 ~~to total combined pension and retirement pay received.~~

35 Sec. 3. EFFECTIVE UPON ENACTMENT. This Act, being deemed of

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S.F. 104

1 immediate importance, takes effect upon enactment.

2 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
3 retroactively to January 1, 2013, for tax years beginning on
4 or after that date.

5 EXPLANATION

6 This bill exempts all social security benefits and
7 governmental or other pension or retirement pay from the
8 individual income tax. "Governmental or other pension or
9 retirement pay" includes but is not limited to defined benefit
10 or defined contribution plans, annuities, individual retirement
11 accounts, plans maintained or contributed to by an employer,
12 or maintained or contributed to by a self-employed person as
13 an employer, and deferred compensation plans or any earnings
14 attributable to the deferred compensation plans.

15 Under current law, 77 percent of social security benefits
16 are exempt from the individual income tax, which exemption
17 amount is scheduled to rise to 89 percent in 2013 and 100
18 percent in 2014 and subsequent years. Also under current law,
19 the first \$6,000 for individual filers and \$12,000 for joint
20 filers of governmental or other pension or retirement pay is
21 exempt from the individual income tax for individuals who are
22 disabled, 55 years of age or older, or surviving spouses or
23 certain other survivors of those individuals.

24 The bill takes effect upon enactment, and applies
25 retroactively to tax years beginning on or after January 1,
26 2013.



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Senate File 105 - Introduced

SENATE FILE 105
BY SINCLAIR

A BILL FOR

1 An Act relating to the disposition of legal firearms and
2 ammunition seized by a law enforcement agency.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1849XS (3) 85
jm/rj



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S.F. 105

1 Section 1. Section 809.5, subsection 1, paragraph f,
2 subparagraph (3), Code 2013, is amended to read as follows:
3 (3) Notwithstanding subparagraph (2), firearms or
4 ~~ammunition with an aggregate fair market value equal to or~~
5 ~~less than five hundred dollars shall be deposited with the~~
6 ~~department of public safety. The firearms or ammunition may~~
7 ~~be held by the department of public safety and~~ seizing agency
8 shall be used for law enforcement, testing, or comparisons
9 by the criminalistics laboratory of the department of public
10 safety, or may be destroyed, or disposed of by the department
11 of public safety in accordance with seizing agency using the
12 same rules and procedures established in section 809.21,
13 subsection 2.
14 Sec. 2. Section 809.21, Code 2013, is amended to read as
15 follows:
16 **809.21 Sale of certain ammunition and firearms.**
17 1. Ammunition and firearms seized by the department of
18 public safety which are not illegal and which are not offensive
19 weapons as defined by section 724.1 may be sold by the
20 department of public safety at public auction. The firearms
21 or ammunition may also be held by the department of public
22 safety and used for law enforcement, testing, comparisons by
23 the criminalistics laboratory, destroyed, or disposed of in
24 accordance with this section. The department of public safety
25 may sell at public auction forfeited legal weapons received
26 from the director of the department of natural resources,
27 except that rifles and shotguns shall be retained by the
28 department of natural resources for disposal according to its
29 rules.
30 2. The sale of ammunition or firearms which are not illegal
31 and which are not offensive weapons as defined by section
32 724.1, pursuant to this section shall be made only to federally
33 licensed firearms dealers or to persons who have a permit
34 to purchase the firearms. Persons who have not obtained a
35 permit may bid on firearms at the public auction. However,

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S.F. 105

1 persons who bid without a permit must post a ~~fifty percent of~~
2 ~~purchase price~~ fifty-percent-of-purchase-price deposit with the
3 commissioner of public safety on any winning bid. No transfer
4 of firearms may be made to a person bidding without a permit
5 until such time as the person has obtained a permit. If the
6 person is unable to produce a permit within two weeks from the
7 date of the auction, the person shall forfeit the ~~fifty percent~~
8 fifty-percent deposit to the department of public safety. All
9 proceeds of a public auction ~~pursuant to this section~~ conducted
10 by the department, less department expenses reasonably
11 incurred, shall be deposited in the general fund of the state.
12 The department of public safety shall be reimbursed from the
13 proceeds for the reasonable expenses incurred in selling the
14 property at the auction.

15 Sec. 3. Section 809A.17, subsection 5, paragraph b, Code
16 2013, is amended to read as follows:

17 b. Forfeited property which is a weapon or ammunition
18 shall be deposited with the ~~department of public safety to be~~
19 ~~disposed of in accordance with the rules of the department~~
20 seizing agency. All weapons or ammunition may be held
21 for use in law enforcement, testing, or comparison by the
22 criminalistics laboratory, or destroyed. Ammunition and
23 firearms which are not illegal and are not offensive weapons
24 as defined by section 724.1 may be sold by the ~~department as~~
25 provided seizing agency using the same rules and procedures in
26 section 809.21, subsection 2.

27 EXPLANATION

28 This bill relates to the disposition of legal firearms and
29 ammunition seized by a law enforcement agency.

30 Current law requires that all abandoned, seized firearms
31 and ammunition with an aggregate value of less than \$500 be
32 transferred to the department of public safety for use in
33 law enforcement, testing, or used for comparisons by the
34 criminalistics laboratory, or destroyed, or sold at public
35 auction pursuant to Code section 809.21.

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1 Under current law, a law enforcement agency that seizes
2 a firearm or ammunition becomes the owner of the firearm or
3 ammunition, if the aggregate value of the firearm or ammunition
4 is less than or equal to \$500 and the firearm or ammunition
5 is deemed abandoned pursuant to Code section 809.5. The
6 bill provides that the seizing agency may use the firearm or
7 ammunition for law enforcement or testing, or loan or transfer
8 the firearm or ammunition to the department of public safety
9 for comparisons by the criminalistics laboratory, or destroy
10 the firearm or ammunition, or sell the firearm or ammunition
11 pursuant to the rules and procedures established in newly
12 designated Code section 809.21(2).

13 Under current law, if the value of a seized firearm or
14 ammunition is greater than \$500 in the aggregate, Code section
15 809.5(1)(f)(1) requires the property to be forfeited pursuant
16 to the procedures established in Code chapter 809A.

17 Current law requires all forfeited weapons and ammunition
18 with an aggregate value of more than \$500 to be transferred to
19 the department of public safety for use in law enforcement,
20 testing, or used for comparisons by the criminalistics
21 laboratory, or destroyed, or disposed of pursuant to the
22 procedures established in Code section 809A.17(5)(b).

23 The bill requires forfeited firearms or ammunition to be
24 transferred to the seizing agency. The bill further provides
25 that the seizing agency may use a forfeited firearm or
26 ammunition for law enforcement, testing, or loan or transfer
27 to the department of public safety for comparisons by the
28 criminalistics laboratory, or that the firearm or ammunition
29 be destroyed, or disposed of pursuant to the procedures
30 established for the department of public safety in newly
31 designated Code section 809.21(2).

32 The bill does not restrict the use of the proceeds from
33 the sale of seized firearms or ammunition by a local law
34 enforcement agency. Current law and the bill provide that
35 the proceeds from the sale of firearms or ammunition by the

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1 department of public safety in Code section 809.21, less
2 expenses, be deposited in the general fund of the state.



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Senate File 106 - Introduced

SENATE FILE 106
BY COMMITTEE ON WAYS AND MEANS

(SUCCESSOR TO SSB 1071)

A BILL FOR

1 An Act updating the Code references to the Internal Revenue
2 Code and decoupling from certain federal bonus depreciation
3 provisions, providing certain taxpayers additional time to
4 file a claim for refund or credit of individual income tax,
5 and including effective date and retroactive applicability
6 provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1257SV (1) 85
mm/sc



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S.F. 106

1 DIVISION I
2 INTERNAL REVENUE CODE REFERENCES
3 Section 1. Section 15.335, subsection 7, paragraph b, Code
4 2013, is amended to read as follows:
5 *b.* For purposes of this section, "*Internal Revenue Code*"
6 means the Internal Revenue Code in effect on January 1, ~~2012~~
7 2013, and as amended by the American Taxpayer Relief Act of
8 2012, Pub. L. No. 112-240.
9 Sec. 2. Section 422.3, subsection 5, Code 2013, is amended
10 to read as follows:
11 5. "*Internal Revenue Code*" means the Internal Revenue Code
12 of 1954, prior to the date of its redesignation as the Internal
13 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
14 the Internal Revenue Code of 1986 as amended to and including
15 January 1, ~~2012~~ 2013, and as amended by the American Taxpayer
16 Relief Act of 2012, Pub. L. No. 112-240.
17 Sec. 3. Section 422.9, subsection 2, paragraph i, Code 2013,
18 is amended to read as follows:
19 *i.* The deduction for state sales and use taxes is allowable
20 only if the taxpayer elected to deduct the state sales and use
21 taxes in lieu of state income taxes under section 164 of the
22 Internal Revenue Code. A deduction for state sales and use
23 taxes is not allowed if the taxpayer has taken the deduction
24 for state income taxes or claimed the standard deduction under
25 section 63 of the Internal Revenue Code. This paragraph
26 applies to taxable years beginning after December 31, 2003, and
27 before January 1, 2008, and to taxable years beginning after
28 December 31, 2009, and before January 1, ~~2012~~ 2014.
29 Sec. 4. Section 422.10, subsection 3, paragraph b, Code
30 2013, is amended to read as follows:
31 *b.* For purposes of this section, "*Internal Revenue Code*"
32 means the Internal Revenue Code in effect on January 1, ~~2012~~
33 2013, and as amended by the American Taxpayer Relief Act of
34 2012, Pub. L. No. 112-240.
35 Sec. 5. Section 422.32, subsection 1, paragraph g, Code

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1 2013, is amended to read as follows:

2 *g. "Internal Revenue Code"* means the Internal Revenue Code
3 of 1954, prior to the date of its redesignation as the Internal
4 Revenue Code of 1986 by the Tax Reform Act of 1986, or means
5 the Internal Revenue Code of 1986 as amended to and including
6 January 1, ~~2012~~ 2013, and as amended by the American Taxpayer
7 Relief Act of 2012, Pub. L. No. 112-240.

8 Sec. 6. Section 422.33, subsection 5, paragraph d,
9 subparagraph (2), Code 2013, is amended to read as follows:

10 (2) For purposes of this subsection, *"Internal Revenue Code"*
11 means the Internal Revenue Code in effect on January 1, ~~2012~~
12 2013, and as amended by the American Taxpayer Relief Act of
13 2012, Pub. L. No. 112-240.

14 Sec. 7. EFFECTIVE UPON ENACTMENT. This division of this
15 Act, being deemed of immediate importance, takes effect upon
16 enactment.

17 Sec. 8. RETROACTIVE APPLICABILITY. This division of this
18 Act applies retroactively to January 1, 2012, for tax years
19 beginning on or after that date.

20 DIVISION II

21 BONUS DEPRECIATION

22 Sec. 9. Section 422.7, subsection 39A, unnumbered paragraph
23 1, Code 2013, is amended to read as follows:

24 The additional first-year depreciation allowance authorized
25 in section 168(k) of the Internal Revenue Code, as enacted by
26 Pub. L. No. 110-185, § 103, Pub. L. No. 111-5, § 1201, Pub. L.
27 No. 111-240, § 2022, ~~and~~ Pub. L. No. 111-312, § 401, and Pub. L.
28 No. 112-240, § 331, does not apply in computing net income for
29 state tax purposes. If the taxpayer has taken the additional
30 first-year depreciation allowance for purposes of computing
31 federal adjusted gross income, then the taxpayer shall make the
32 following adjustments to federal adjusted gross income when
33 computing net income for state tax purposes:

34 Sec. 10. Section 422.35, subsection 19A, unnumbered
35 paragraph 1, Code 2013, is amended to read as follows:

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1 The additional first-year depreciation allowance authorized
2 in section 168(k) of the Internal Revenue Code, as enacted by
3 Pub. L. No. 110-185, § 103, Pub. L. No. 111-5, § 1201, Pub. L.
4 No. 111-240, § 2022, ~~and~~ Pub. L. No. 111-312, § 401, and Pub. L.
5 No. 112-240, § 331, does not apply in computing net income for
6 state tax purposes. If the taxpayer has taken the additional
7 first-year depreciation allowance for purposes of computing
8 federal taxable income, then the taxpayer shall make the
9 following adjustments to federal taxable income when computing
10 net income for state tax purposes:

11 Sec. 11. EFFECTIVE UPON ENACTMENT. This division of this
12 Act, being deemed of immediate importance, takes effect upon
13 enactment.

14 Sec. 12. RETROACTIVE APPLICABILITY. This division of this
15 Act applies retroactively to January 1, 2013, for tax years
16 ending on or after that date.

17 DIVISION III

18 FILING OF CLAIMS

19 Sec. 13. Section 422.73, Code 2013, is amended by adding the
20 following new subsection:

21 NEW SUBSECTION. 1A. Notwithstanding subsection 1, a claim
22 for refund or credit of the individual income tax paid which
23 resulted from a reduction in a person's federal adjusted gross
24 income due to section 1106 of the FAA Modernization and Reform
25 Act of 2012, Pub. L. No. 112-95, shall be considered timely if
26 the claim is filed with the department on or before June 30,
27 2013.

28 Sec. 14. EFFECTIVE UPON ENACTMENT. This division of this
29 Act, being deemed of immediate importance, takes effect upon
30 enactment.

31 Sec. 15. RETROACTIVE APPLICABILITY. This division of this
32 Act applies retroactively to January 1, 2012, for refund or
33 credit claims filed on or after that date.

34 EXPLANATION

35 This bill updates the Iowa Code references to the Internal

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1 Revenue Code to make federal income tax revisions enacted by
2 Congress in 2012, and by the American Taxpayer Relief Act of
3 2012, Pub. L. No. 112-240, applicable for Iowa income tax
4 purposes, decouples with certain bonus depreciation provisions,
5 and provides certain taxpayers additional time to file a claim
6 for refund or credit of individual income tax paid.

7 DIVISION I — INTERNAL REVENUE CODE REFERENCES. The
8 division amends Code sections 422.3 and 422.32, general
9 definition sections in the chapter of the Code that governs
10 corporate and individual income tax and the franchise tax
11 on financial institutions, to update the references to the
12 Internal Revenue Code.

13 The division amends Code sections 15.335, 422.10, and 422.33
14 to update the references to the Internal Revenue Code for the
15 state research activities credit for individuals, corporations,
16 and corporations in economic development areas to include the
17 federal changes to the research activities credit and the
18 alternative simplified research activities credit.

19 Code section 422.9 provides individuals a deduction from net
20 income for state sales and use taxes if the individual chose
21 to deduct sales and use tax in lieu of state income taxes or
22 the standard deduction for federal income tax purposes. This
23 deduction was set to expire under both federal and Iowa law for
24 tax years beginning on or after January 1, 2012. The American
25 Taxpayer Relief Act of 2012 extended the federal deduction for
26 the 2012 and 2013 tax years. This division extends the Iowa
27 deduction for the 2012 and 2013 tax years.

28 Division I takes effect upon enactment and applies
29 retroactively to January 1, 2012, for tax years beginning on
30 or after that date.

31 DIVISION II — BONUS DEPRECIATION. The division decouples,
32 for Iowa income tax purposes, from the federal additional
33 first-year depreciation allowance in section 168(k) of the
34 Internal Revenue Code which was extended by the American
35 Taxpayer Relief Act of 2012.



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1 Division II takes effect upon enactment and applies
2 retroactively to January 1, 2013, for tax years ending on or
3 after that date.

4 DIVISION III — FILING OF CLAIMS. The division amends
5 Code section 422.73, relating to the period of limitation to
6 claim a tax refund or credit, to provide additional time for
7 taxpayers affected by the FAA Modernization and Reform Act of
8 2012, Pub. L. No. 112-95, to request a refund or credit of Iowa
9 individual income tax paid. The federal law allows a qualified
10 airline employee who received a settlement payment from an
11 airline company in bankruptcy to roll over that amount into a
12 traditional individual retirement account (IRA) and exclude
13 that amount from adjusted gross income in the year in which it
14 was received. The federal law allowed additional time, until
15 April 15, 2013, for a refund to be requested for federal income
16 tax purposes provided the rollover occurred within 180 days of
17 February 14, 2012. Iowa taxpayers whose federal adjusted gross
18 income was reduced due to this federal law have until June 30,
19 2013, to request a refund or credit for Iowa individual income
20 tax paid.

21 Division III takes effect upon enactment and applies
22 retroactively to January 1, 2012, for refund or credit claims
23 filed on or after that date.



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Senate File 90 - Introduced

SENATE FILE 90
BY BOLKCOM

A BILL FOR

1 An Act relating to assisted living programs.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1647XS (2) 85
pf/nh



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S.F. 90

1 Section 1. Section 231C.1, subsection 2, unnumbered
2 paragraph 1, Code 2013, is amended to read as follows:
3 The purposes of ~~establishing an~~ regulating assisted living
4 ~~program programs~~ include all of the following:
5 Sec. 2. Section 231C.2, subsection 2, Code 2013, is amended
6 to read as follows:
7 2. "*Assisted living*" means provision of housing
8 with services which may include but are not limited to
9 health-related care, personal care, and assistance with
10 instrumental activities of daily living to three or more
11 tenants in a physical structure which provides a homelike
12 environment. "*Assisted living*" also includes encouragement
13 of family involvement, tenant self-direction, and tenant
14 participation in decisions that emphasize choice, dignity,
15 privacy, individuality, shared risk, and independence.
16 "*Assisted living*" includes the provision of housing and
17 assistance with instrumental activities of daily living only
18 if personal care or health-related care is also included.
19 "*Assisted living*" includes access to on-site staff who are awake
20 twenty-four hours per day response staff to meet the tenant's
21 scheduled and unscheduled or unpredictable needs, commensurate
22 with the tenant's mental health, physical health, and cognitive
23 and functional status, in a manner that promotes maximum
24 dignity and independence and provides supervision, safety, and
25 security.
26 Sec. 3. Section 231C.3, subsection 1, Code 2013, is amended
27 by adding the following new paragraphs:
28 NEW PARAGRAPH. e. Requirements to ensure that the
29 nutritional needs of each tenant are met as reflected in the
30 tenant's service plan. The rules shall require a program, at a
31 minimum, to provide one hot meal per day to all tenants and up
32 to three meals per day if required by a tenant.
33 NEW PARAGRAPH. f. Provisions relating to employment
34 qualifications for a program manager.
35 (1) The rules shall require that a program manager employed

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1 after July 1, 2013, comply with all of the following:

2 (a) Have, at a minimum, a combination of three years of
3 education and experience related to older individuals.

4 (b) Within six months of employment, complete a course of
5 instruction in assisted living program management for which
6 the curriculum includes at least six hours of state-specific
7 training related to assisted living program laws and rules.

8 (2) The rules shall provide that a program manager employed
9 prior to July 1, 2013, is not subject to the requirements
10 specified in subparagraph (1), subparagraph division (b),
11 if the individual demonstrates prior completion of similar
12 training.

13 EXPLANATION

14 This bill includes provisions relating to assisted living
15 programs regulated pursuant to Code chapter 231C.

16 The bill amends the definition of "assisted living" to
17 provide that assisted living includes access to on-site, awake
18 staff 24 hours per day to meet the tenant's needs, commensurate
19 with the tenant's physical health, mental health, and cognitive
20 and functional status.

21 Provisions relating to rules regulating assisted living
22 programs are amended to include requirements to ensure that the
23 nutritional needs of each tenant are met as reflected in the
24 tenant's service plan. The rules are to require a program, at
25 a minimum, to provide one hot meal per day to all tenants and up
26 to three meals per day if required by a tenant. The rules also
27 are to include provisions relating to employment qualifications
28 for a program manager including education, experience, and
29 training.



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Senate File 91 - Introduced

SENATE FILE 91
BY COMMITTEE ON COMMERCE

(SUCCESSOR TO SSB 1051)

A BILL FOR

1 An Act increasing civil penalties applicable to specified
2 pipeline safety violations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1099SV (1) 85
rn/sc



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S.F. 91

1 Section 1. Section 479.31, unnumbered paragraph 1, Code
2 2013, is amended to read as follows:

3 A person who violates this chapter or any rule or order
4 issued pursuant to this chapter shall be subject to a civil
5 penalty levied by the board not to exceed ~~ten~~ one hundred
6 thousand dollars for each violation. Each day that the
7 violation continues shall constitute a separate offense.
8 However, the maximum civil penalty shall not exceed ~~five~~
9 ~~hundred thousand~~ one million dollars for any related series of
10 violations. Civil penalties collected pursuant to this section
11 shall be credited to and are appropriated for the Iowa energy
12 center created in section 266.39C.

13 EXPLANATION

14 This bill increases civil penalties applicable to violations
15 of Code chapter 479, relating to pipelines and underground
16 gas storage. Currently, violations of the Code chapter, or
17 an administrative rule or order relating to the Code chapter,
18 are subject to a civil penalty levied by the Iowa utilities
19 board not to exceed \$10,000 per violation, subject to a
20 \$500,000 maximum. The bill increases these limits to \$100,000
21 and \$1 million, respectively. Civil penalties collected for
22 violations of the Code chapter are credited to and appropriated
23 for the Iowa energy center created in Code section 266.39C.



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Senate File 92 - Introduced

SENATE FILE 92
BY SODDERS

A BILL FOR

1 An Act providing reserve peace officers with an individual
2 income tax credit and including effective date and
3 applicability provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1629XS (2) 85
mm/sc



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S.F. 92

1 Section 1. Section 422.12, subsection 1, Code 2013, is
2 amended by adding the following new paragraph:
3 NEW PARAGRAPH. *0c.* "Reserve peace officer" means a
4 reserve peace officer as defined in section 80D.1A who has met
5 the minimum training standards established by the Iowa law
6 enforcement academy pursuant to chapter 80D.
7 Sec. 2. Section 422.12, subsection 2, Code 2013, is amended
8 by adding the following new paragraph:
9 NEW PARAGRAPH. *d.* (1) A reserve peace officer credit equal
10 to fifty dollars to compensate the taxpayer for services as a
11 reserve peace officer if the reserve peace officer served for
12 the entire tax year.
13 (2) If the taxpayer is not a reserve peace officer for
14 the entire tax year, the maximum amount of the credit shall
15 be prorated and the amount of credit for the taxpayer shall
16 equal the maximum amount of credit for the tax year, divided
17 by twelve, multiplied by the number of months in the tax year
18 the taxpayer was a reserve peace officer. The credit shall be
19 rounded to the nearest dollar. If the taxpayer is a reserve
20 peace officer any part of a month, the taxpayer shall be
21 considered a reserve peace officer for the entire month.
22 (3) If the taxpayer is a reserve peace officer during the
23 same month as the taxpayer is a volunteer fire fighter or
24 volunteer emergency medical services personnel as defined in
25 this section, a credit may be claimed for only one position for
26 that month under either this paragraph or paragraph "c".
27 (4) The taxpayer is required to have a written statement
28 from the chief of police, sheriff, commissioner of public
29 safety, or other appropriate supervisor verifying that the
30 taxpayer was a reserve peace officer for the months for which
31 the credit under this paragraph is claimed.
32 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,
33 2014.
34 Sec. 4. APPLICABILITY. This Act applies to tax years
35 beginning on or after January 1, 2014.

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EXPLANATION

1
2 This bill provides a nonrefundable individual income tax
3 credit for an individual who is a reserve peace officer who
4 meets the minimum training standards and who served as a
5 reserve peace officer for the entire tax year. The credit
6 is to compensate the individual for services as a reserve
7 peace officer. The amount of the credit equals \$50. If the
8 individual was not a reserve peace officer for the entire tax
9 year, the amount of the credit is prorated based upon the
10 months of service as a reserve peace officer. If the taxpayer
11 is also a volunteer fire fighter or volunteer emergency medical
12 services personnel for which a credit is allowed under Code
13 section 422.12 for any month, the taxpayer shall only be
14 allowed to claim a credit for one position for that month.
15 The bill takes effect January 1, 2014, and applies to tax
16 years beginning on or after that date.



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Senate File 93 - Introduced

SENATE FILE 93
BY ZAUN

A BILL FOR

1 An Act providing for the licensure of operators authorized
2 to purchase, use, and explode fireworks, and including
3 penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1895XS (3) 85
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S.F. 93

1 Section 1. NEW SECTION. 101D.1 Definitions.

2 For purposes of this chapter, unless the context otherwise
3 requires:

4 1. "Department" means the department of public safety.

5 2. "Division" means the division of the state fire marshal
6 in the department.

7 3. "Fireworks" means permissible fireworks as described in
8 section 727.2A.

9 4. "License" means a privilege granted by the state fire
10 marshal to operate fireworks, including any privilege related
11 to a license granted by issuance of a stamp or a payment of a
12 fee.

13 5. "License agent" means an individual, business, or
14 governmental agency authorized to sell a license.

15 Sec. 2. NEW SECTION. 101D.2 Fireworks operator license —
16 fee.

17 1. A person shall not purchase, operate, or ignite fireworks
18 within this state without first obtaining a license from the
19 division for those purposes and paying a fee of forty-one
20 dollars.

21 2. The division shall provide for the issuance of fireworks
22 operator licenses to eligible persons. A person must be at
23 least eighteen years of age and must successfully complete the
24 fireworks safety education program created in section 101D.3 to
25 be eligible for a license under this chapter.

26 3. A license shall be issued for a period not to exceed one
27 year.

28 4. The state fire marshal shall adopt rules for
29 the revocation or suspension of a license and for the
30 administration of this chapter.

31 Sec. 3. NEW SECTION. 101D.3 Fireworks safety education
32 program — license requirements.

33 1. A person shall not obtain a fireworks operator license
34 unless the person has satisfactorily completed a fireworks
35 safety education course approved by the division and offered

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1 by the department. A person who is seventeen years of age or
2 older may enroll in an approved fireworks safety education
3 course, but a person who is seventeen years of age and who
4 has successfully completed the course, shall be issued a
5 certificate of completion which becomes valid on the person's
6 eighteenth birthday. A certificate of completion from an
7 approved fireworks safety education course issued in this state
8 is valid for the requirements of this section.

9 2. a. A certificate of completion shall not be issued
10 to a person who has not satisfactorily completed the minimum
11 requirements of such a course as adopted by the state fire
12 marshal pursuant to chapter 17A. The state fire marshal shall
13 establish the curriculum for the course.

14 b. Upon completion of the course, each person shall be
15 required to pass an individual oral test or a written test
16 provided by the division in order to receive a certificate
17 of completion. The state fire marshal shall establish
18 the criteria for successfully passing the test. Based on
19 the results of the test and demonstrated safe handling of
20 fireworks, the instructor shall determine the persons who shall
21 be issued a certificate of completion.

22 3. The department shall provide a manual for fireworks
23 safety which shall be used by all instructors and persons
24 receiving fireworks safety education training in this state.
25 The department may produce the manual in a print or electronic
26 format.

27 4. The division shall provide for the certification of
28 persons who wish to become fireworks safety instructors. A
29 person shall not act as an instructor in a fireworks safety
30 education course as provided in this section without first
31 obtaining an instructor's certificate from the division.

32 5. An officer of the department or a certified instructor
33 may issue a certificate to a person who has not completed the
34 fireworks safety education course but meets other criteria
35 established by the state fire marshal.

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1 6. A fireworks operator license obtained under this
2 chapter by a person who gave false information or presented a
3 fraudulent certificate of completion shall be revoked and a new
4 license shall not be issued for at least two years from the
5 date of revocation. A license obtained by a person who has not
6 satisfactorily completed the fireworks safety education course
7 or has not met the requirements established by the state fire
8 marshal shall be revoked.

9 7. An initial fireworks safety certificate of completion
10 shall be issued without cost. A duplicate certificate shall be
11 issued at a cost of three dollars.

12 8. Enrollment in the program shall be free for a person's
13 initial enrollment. The division shall charge a one hundred
14 dollar fee for any subsequent enrollment.

15 Sec. 4. NEW SECTION. 101D.4 License agents.

16 The state fire marshal may designate license agents for the
17 sale of licenses, but in so doing the interest of the state
18 shall be fully protected.

19 Sec. 5. NEW SECTION. 101D.5 Allocation of fee revenue.

20 All revenue collected from the fireworks operator license
21 fees as provided in section 101D.2, subsection 1, that is
22 collected by the division shall be allocated as follows:

23 1. One dollar of each license fee collected shall be
24 allocated to the division.

25 2. Ten dollars of each license fee collected shall be
26 allocated to fire departments throughout the state of Iowa.
27 The state fire marshal shall adopt rules pursuant to chapter
28 17A for the direction of such moneys.

29 3. Ten dollars of each license fee collected shall be
30 allocated to public school districts throughout the state of
31 Iowa. The state fire marshal shall adopt rules pursuant to
32 chapter 17A for the direction of such moneys.

33 4. Twenty dollars of each license fee collected shall be
34 allocated to the state general fund.

35 Sec. 6. NEW SECTION. 101D.6 Accounting.

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1 The state fire marshal shall by rule establish specific
2 requirements for remittance of funds and the necessary
3 accounting and reporting for licenses issued.

4 Sec. 7. NEW SECTION. 101D.7 Operation of fireworks —
5 penalty.

6 1. A person who does not possess a valid fireworks operator
7 license shall not operate fireworks.

8 2. A person may only operate fireworks during the months of
9 January, May, June, July, or December of each year, or during
10 certain holiday weekends, as permitted by rule adopted by the
11 state fire marshal pursuant to chapter 17A.

12 3. A person shall not operate fireworks at any time when
13 the state fire marshal has declared the operation of fireworks
14 to be a threat to public safety. The state fire marshal may
15 declare such a threat if conditions warrant such a declaration.

16 4. A person shall not operate, ignite, or store fireworks
17 in an unsafe manner as described within the fireworks safety
18 manual described in section 101D.3, subsection 3.

19 5. A licensee who violates the provisions of this section
20 shall have their license suspended and shall be required to
21 successfully complete the fireworks safety education program
22 created in section 101D.3 again before the division may issue
23 another license to that person.

24 6. Any person who violates the provisions of this section is
25 subject to a civil penalty not to exceed three hundred dollars
26 for each offense.

27 Sec. 8. NEW SECTION. 101D.8 Sales permits.

28 1. The division shall issue permits for the sale of
29 fireworks. A permit shall not be issued to a person under
30 eighteen years of age.

31 2. All permits shall be for the calendar year or any
32 fraction thereof and shall expire on the thirty-first day of
33 December of each year. The division may set a fee for issuance
34 of such a permit to cover administrative costs of this section.

35 3. Permits shall be conspicuously displayed in the permit

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1 holder's place of business along with a clearly visible sign
2 that states the law concerning the sale, use, and possession of
3 fireworks in this state.

4 4. The state fire marshal shall adopt rules in accordance
5 with chapter 17A to regulate fireworks sellers and the sale of
6 fireworks, including the establishment of a fee for a permit
7 issued pursuant to this section.

8 Sec. 9. Section 727.2, subsection 2, Code 2013, is amended
9 to read as follows:

10 2. a. A person, or a firm, partnership, or corporation
11 ~~who offers~~ permitted under section 101D.8 may offer for sale,
12 ~~exposes for sale, sells at retail, or uses or explodes any~~
13 ~~fireworks, commits a simple misdemeanor~~ permissible under
14 sections 727.2A and 727.2B. In addition to any other penalties,
15 the punishment imposed for a violation of this section shall
16 include assessment of a fine of not less than two hundred fifty
17 dollars. ~~However, the~~

18 b. The council of a city or a county board of supervisors
19 may, upon application in writing, grant a permit for the
20 display of fireworks not permissible under section 727.2A by
21 municipalities, fair associations, amusement parks, and other
22 organizations or groups of individuals approved by the city
23 or the county board of supervisors when the fireworks display
24 will be handled by a competent operator, but no such permit
25 shall be required for the display of fireworks at the Iowa
26 state fairgrounds by the Iowa state fair board, at incorporated
27 county fairs, or at district fairs receiving state aid. Sales
28 of fireworks for such display may be made for that purpose
29 only.

30 Sec. 10. Section 727.2, subsection 3, Code 2013, is amended
31 by striking the subsection.

32 Sec. 11. NEW SECTION. 727.2A Permissible fireworks.

33 Permissible fireworks are the consumer fireworks enumerated
34 in chapter 3 of the American pyrotechnics association, inc.,
35 standard 87-1, and that comply with the labeling regulations

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1 promulgated by the United States consumer product safety
2 commission.

3 Sec. 12. NEW SECTION. 727.2B Examination of fireworks —
4 penalty.

5 If consumer fireworks are not permissible under section
6 727.2A, the proposed seller must submit the fireworks to the
7 state fire marshal for examination and approval prior to the
8 sale of such fireworks. A person who violates this section
9 commits a serious misdemeanor.

10 EXPLANATION

11 This bill provides for the legal sale and use of consumer
12 fireworks within the state.

13 The bill provides for the licensure of consumer fireworks
14 operators by the division of the state fire marshal of the
15 department of public safety. The bill provides that a person
16 may not purchase, operate, or explode fireworks within the
17 state without being licensed under the bill. The bill provides
18 that a person must be at least 18 years of age, have completed
19 a fireworks safety education program, and paid a fee of \$41
20 in order to receive a license pursuant to the bill. The bill
21 provides that a license will not be for longer than one year.
22 The bill provides that the state fire marshal shall adopt
23 rules for the revocation or suspension of a fireworks operator
24 license and for the administration of the bill.

25 The bill provides for the creation of a fireworks safety
26 education program. The bill provides that successful
27 completion of the program is required in order to be issued a
28 fireworks operator license. The bill provides that a person
29 may enroll in the program upon reaching the age of 17. The
30 bill states that any certificate of completion issued to a
31 person under the age of 18 will not become valid until the
32 person reaches the age of 18. A certificate of completion
33 will not be issued to a person who has not satisfactorily
34 completed the requirements of the program, as adopted by the
35 state fire marshal. The state fire marshal shall establish the

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1 curriculum for the program. The program instructor shall issue
2 a certificate of completion based upon passage of the test and
3 upon demonstrated safe handling of fireworks.

4 The bill provides that the division shall administer
5 individual oral or written tests, and that the division shall
6 require passage of the test in order to issue a certificate of
7 completion. The state fire marshal shall establish criteria
8 for passing.

9 The department of public safety shall provide a manual for
10 fireworks safety to be used by all instructors and persons
11 receiving fireworks safety training. The department may
12 produce this manual in either print or electronic form.

13 The division of the state fire marshal shall provide for the
14 certification of instructors. The bill allows for an officer
15 of the department or an instructor to issue a certificate of
16 completion to any person who has not completed the program but
17 who meets other criteria established by the state fire marshal.

18 The bill provides that a person who obtained a license by
19 providing false information or a fraudulent certificate shall
20 have the license revoked and the person shall not be issued a
21 license for at least two years from the date of revocation.
22 The bill also provides for the revocation of licenses where a
23 licensee has not met the requirements of the bill. The bill
24 provides that the initial certificate shall be issued at no
25 cost, but that duplicate certificates shall cost \$3. The bill
26 provides that enrollment within the program shall be free for a
27 person's initial enrollment, but that any subsequent enrollment
28 shall result in a \$100 fee.

29 The bill allows the state fire marshal to designate license
30 agents. The bill provides for the distribution of the
31 fireworks operator license fees. From each \$41 license fee,
32 \$1 will be directed to the division of the fire marshal, \$10
33 will be directed to fire departments throughout the state as
34 designated by the fire marshal, \$10 will be directed to public
35 school districts throughout the state as designated by the fire

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1 marshal, and \$20 will be directed to the general fund of the
2 state.

3 The bill provides that a person who does not possess a valid
4 fireworks operator license shall not be allowed to operate
5 fireworks. The bill provides that fireworks may only be
6 operated during certain months and certain holiday weekends.
7 The bill provides that the state fire marshal may, when
8 warranted, declare the operation of fireworks to be a threat
9 to public safety. Operation of fireworks during the time of
10 such a declaration is not permitted. The bill provides that
11 a person shall not operate, ignite, or store fireworks in an
12 unsafe manner as described in the fireworks safety manual. The
13 bill requires that any person violating these provisions have
14 their license suspended and be required to successfully retake
15 the fireworks safety education course before the person could
16 be issued another license. The bill also provides that any
17 person violating the provisions is subject to a civil penalty
18 not to exceed \$300 per offense.

19 The bill also provides for the permitting of fireworks
20 sales. The division shall issue such permits and shall not
21 provide such permits to persons under the age of 18. The
22 bill requires that these permits be displayed by the vendor
23 conspicuously. The bill requires that the fire marshal adopt
24 rules to regulate fireworks vendors and the sale of fireworks.

25 The bill amends criminal provisions related to fireworks to
26 allow for the use of consumer fireworks by licensed operators.
27 The bill provides that permissible consumer fireworks, for use
28 by licensed fireworks operators pursuant to the bill, will
29 include those fireworks listed in chapter 3 of the American
30 pyrotechnics association, inc., standard 87-1 that comply with
31 certain labeling regulations.

32 The bill also provides that if a consumer firework is
33 not contained within that chapter, a seller must submit
34 the fireworks to the state fire marshal for examination and
35 approval prior to their sale. The bill provides that violating

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1 this provision is a serious misdemeanor. A serious misdemeanor
2 is punishable by confinement for no more than one year and a
3 fine of at least \$315 but not more than \$1,875.



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Senate File 94 - Introduced

SENATE FILE 94

BY ZAUN, ROZENBOOM, and
CHELGREN

A BILL FOR

1 An Act repealing statewide licensure requirements for
2 electricians and electrical contractors, including
3 transition provisions, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/rj



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1 Section 1. Section 100C.2, subsection 4, paragraph b, Code
2 2013, is amended to read as follows:

3 b. An employee or subcontractor of a certified alarm system
4 contractor who is an alarm system installer, ~~and who is not~~
5 ~~licensed pursuant to chapter 103~~ shall obtain and maintain
6 certification as an alarm system installer and shall meet and
7 maintain qualifications established by the state fire marshal
8 by rule.

9 Sec. 2. Section 100C.10, subsection 3, Code 2013, is amended
10 to read as follows:

11 3. The state fire marshal, or the state fire marshal's
12 designee, ~~and the chairperson of the electrical examining~~
13 ~~board created in section 103.2~~ shall be a nonvoting ex officio
14 ~~members~~ member of the board.

15 Sec. 3. Section 105.18, subsection 3, paragraph d, Code
16 2013, is amended by striking the paragraph.

17 Sec. 4. REPEAL. Chapter 103, Code 2013, is repealed.

18 Sec. 5. TRANSITION PROVISIONS. The division of state fire
19 marshal of the department of public safety shall adopt rules
20 establishing a procedure for the refunding of license fees
21 remitted by licensees under chapter 103 on a prorated basis
22 corresponding to the period remaining after December 31, 2013,
23 and prior to a license's expiration date.

24 Sec. 6. EFFECTIVE DATE. The sections of this Act amending
25 sections 100C.2 and 100C.10, and repealing chapter 103, take
26 effect December 31, 2013.

27 EXPLANATION

28 This bill repeals Code chapter 103, providing for statewide
29 licensure of electricians and electrical contractors. The
30 effect of this repeal would be to return to the system of
31 administration and regulation of electricians and electrical
32 contractors, and electrical inspections, by political
33 subdivisions in place prior to the enactment of the Code
34 chapter. The bill directs the division of state fire marshal
35 of the department of public safety to adopt rules providing for

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1 refunding license fees on a prorated basis corresponding to
2 the period remaining after the repeal and prior to a license's
3 expiration date. The bill makes conforming changes within
4 Code chapter 100C, which regulates the licensing of fire
5 extinguishing and alarm system contractors and installers.
6 Provisions of the bill regarding the adoption of rules for
7 prorating license fees take effect July 1, 2013. The remaining
8 provisions of the bill take effect December 31, 2013.



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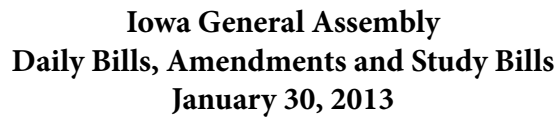
Senate File 95 - Introduced

SENATE FILE 95
BY ZAUN

A BILL FOR

1 An Act relating to developer fees for federal low-income
2 housing tax credits.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1891XS (1) 85
tm/rj



1 Section 1. NEW SECTION. 16.221 Developer fee — federal
2 low-income housing tax credits.

7	EXPLANATION
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Senate File 96 - Introduced

SENATE FILE 96
BY CHELGREN

A BILL FOR

1 An Act relating to the justifiable use of reasonable force.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1762SS (2) 85
jm/rj



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1 Section 1. Section 704.1, Code 2013, is amended to read as
2 follows:

3 **704.1 Reasonable force.**

4 "*Reasonable force*" is that force and no more which a
5 reasonable person, in like circumstances, would judge to
6 be necessary to prevent an injury or loss and can include
7 deadly force if it is reasonable to believe that such force is
8 necessary to avoid injury or risk to one's life or safety or
9 the life or safety of another, or it is reasonable to believe
10 that such force is necessary to resist a like force or threat.
11 Reasonable force, including deadly force, may be used ~~even if~~
12 ~~an alternative course of action is available if the alternative~~
13 ~~entails a risk to life or safety, or the life or safety of a~~
14 ~~third party, or requires one to abandon or retreat from one's~~
15 ~~dwelling or place of business or employment, and a person has~~
16 no duty to retreat, and has the right to stand the person's
17 ground, and meet force with force, if the person believes
18 reasonable force, including deadly force, is necessary under
19 the circumstances to prevent death or serious injury to oneself
20 or a third party, or to prevent the commission of a forcible
21 felony.

22 Sec. 2. NEW SECTION. **704.4A Immunity.**

23 1. A person who uses reasonable force shall be immune from
24 any criminal prosecution or civil action for using such force,
25 unless the person against whom such force is used is a peace
26 officer acting within the scope of the officer's duties and the
27 peace officer identifies the officer's identity, or the person
28 knew or reasonably should have known that the person is a peace
29 officer.

30 2. A law enforcement agency may use standard investigating
31 procedures for investigating the use of force, but the law
32 enforcement agency shall not arrest a person for using force
33 unless it determines there is probable cause that the force was
34 unlawful under this chapter.

35 3. If a person is arrested and it is later determined by a

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1 court or jury that the person was justified in using reasonable
2 force under the circumstances, the person shall be awarded
3 reasonable attorney fees, court costs, compensation for loss of
4 any income, and reimbursement of any other expenses incurred as
5 a result of being arrested and charged.

6 EXPLANATION

7 This bill relates to the justifiable use of reasonable
8 force.

9 The bill provides that a person may use reasonable force,
10 including deadly force, and a person has no duty to retreat,
11 and has a right to stand the person's ground, and meet force
12 with force, if the person believes reasonable force, including
13 deadly force, is necessary under the circumstances to prevent
14 death or serious injury to oneself or a third party, or to
15 prevent the commission of a forcible felony.

16 Current law provides that a person may use reasonable force,
17 including deadly force, even if an alternative course of action
18 is available if the alternative entails a risk of life or
19 safety or the life or safety of a third party, or requires
20 one to abandon or retreat from one's residence or place of
21 business.

22 The bill also provides that a person who uses reasonable
23 force shall be immune from any criminal prosecution or civil
24 action for using such force, unless the person against whom
25 such force is used is a peace officer acting within the scope
26 of the officer's duties and the peace officer identifies the
27 officer's identity, or the person knew or reasonably should
28 have known that the person is a peace officer.

29 Under the bill, a law enforcement agency shall not arrest a
30 person for using force unless it determines there is probable
31 cause that the force was unlawful under Code chapter 704.

32 The bill also provides that if a person is arrested and it
33 is later determined by a court or jury that the person was
34 justified in using reasonable force under the circumstances,
35 the person shall be awarded reasonable attorney fees, court

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1 costs, compensation for loss of any income, and reimbursement
2 of any other expenses incurred as a result of being arrested
3 and charged.



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Senate File 97 - Introduced

SENATE FILE 97
BY CHELGREN

A BILL FOR

1 An Act repealing the option of voting straight party and
2 including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1778SS (1) 85
aw/sc



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1 Section 1. Section 49.37, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. For general elections, and for other elections in which
4 more than one partisan office will be filled, the ~~first section~~
5 ~~of the ballot shall be for straight party voting~~ arranged as
6 provided in this section.

7 ~~a. Each political party or organization which has~~
8 ~~nominated candidates for more than one office shall be listed.~~
9 ~~Instructions to the voter for straight party or organization~~
10 ~~voting shall be in substantially the following form:~~

11 ~~To vote for all candidates from a single party or~~
12 ~~organization, mark the voting target next to the party or~~
13 ~~organization name. Not all parties or organizations have~~
14 ~~nominated candidates for all offices. Marking a straight party~~
15 ~~or organization vote does not include votes for nonpartisan~~
16 ~~offices, judges, or questions.~~

17 ~~b. Political parties and nonparty political organizations~~
18 ~~which have nominated candidates for only one office shall~~
19 ~~be listed below the other political organizations under the~~
20 ~~following heading:~~

21 ~~Other Political Organizations. The following organizations~~
22 ~~have nominated candidates for only one office:~~

23 ~~c. 1A.~~ Offices shall be arranged in groups. Partisan
24 offices, nonpartisan offices, judges, and public measures shall
25 be separated by a distinct line appearing on the ballot.

26 Sec. 2. Section 49.57, subsection 2, Code 2013, is amended
27 to read as follows:

28 2. ~~In the area of the general election ballot for straight~~
29 ~~party voting, the party or organization names shall be printed~~
30 ~~in upper case and lower case letters using a uniform font size~~
31 ~~for each political party or nonparty political organization.~~
32 ~~The font size shall be not less than twelve point type. After~~
33 the name of each candidate for a partisan office the name of
34 the candidate's political party shall be printed in at least
35 six point type. ~~The names of political parties and nonparty~~

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1 ~~political organizations may be abbreviated on the remainder of~~
2 ~~the ballot if both the full name and the abbreviation appear~~
3 ~~in the "Straight Party" and "Other Political Party" areas of~~
4 ~~the ballot.~~

5 Sec. 3. Section 49.98, Code 2013, is amended to read as
6 follows:

7 **49.98 Counting ballots.**

8 The ballots shall be counted according to the voters' marks
9 on them as provided in sections 49.92 to ~~49.97~~ and 49.93,
10 and not otherwise. If, for any reason, it is impossible
11 to determine from a ballot, as marked, the choice of the
12 voter for any office, the vote for that office shall not be
13 counted. ~~When there is a conflict between a straight party or~~
14 ~~organization vote for one political party or nonparty political~~
15 ~~organization and the vote cast by marking the voting target~~
16 ~~next to the name of a candidate for another political party~~
17 ~~or nonparty political organization on the ballot, the mark~~
18 ~~next to the name of the candidate shall be held to control,~~
19 ~~and the straight party or organization vote in that case shall~~
20 ~~not apply as to that office.~~ A ballot shall be rejected if
21 the voter used a mark to identify the voter's ballot. ~~For~~
22 ~~each voting system, the~~ The state commissioner shall, by rule
23 adopted pursuant to chapter 17A, develop uniform definitions of
24 what constitutes a vote.

25 Sec. 4. REPEAL. Sections 49.94, 49.95, 49.96, and 49.97,
26 Code 2013, are repealed.

27 Sec. 5. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
28 immediate importance, takes effect upon enactment.

29 **EXPLANATION**

30 This bill eliminates the option of voting straight party
31 for all candidates of a political party or nonparty political
32 organization. The bill applies to the general election and
33 elections at which more than one partisan office is to be
34 filled.

35 The bill takes effect upon enactment.

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Senate File 98 - Introduced

SENATE FILE 98

BY ZAUN, ROZENBOOM, and
CHELGREN

A BILL FOR

1 An Act repealing the Iowa plumber, mechanical professional, and
2 contractor licensing Act.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1901XS (2) 85
jr/sc



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1 Section 1. Section 100D.11, subsection 3, Code 2013, is
2 amended by striking the subsection.

3 Sec. 2. Section 272C.1, subsection 6, paragraph ae, Code
4 2013, is amended by striking the paragraph.

5 Sec. 3. Section 272C.3, subsection 2, paragraph a, Code
6 2013, is amended to read as follows:

7 a. Revoke a license, or suspend a license either until
8 further order of the board or for a specified period, upon any
9 of the grounds specified in section 100D.5, ~~105.22~~, 147.55,
10 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219,
11 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or
12 chapter 151 or 155, as applicable, or upon any other grounds
13 specifically provided for in this chapter for revocation of
14 the license of a licensee subject to the jurisdiction of
15 that board, or upon failure of the licensee to comply with a
16 decision of the board imposing licensee discipline.

17 Sec. 4. Section 272C.4, subsection 6, Code 2013, is amended
18 to read as follows:

19 6. Define by rule acts or omissions that are grounds for
20 revocation or suspension of a license under section 100D.5,
21 ~~105.22~~, 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,
22 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or
23 602.3203 or chapter 151 or 155, as applicable, and to define
24 by rule acts or omissions that constitute negligence, careless
25 acts, or omissions within the meaning of section 272C.3,
26 subsection 2, paragraph "b", which licensees are required to
27 report to the board pursuant to section 272C.9, subsection 2.

28 Sec. 5. Section 272C.5, subsection 2, paragraph c, Code
29 2013, is amended to read as follows:

30 c. Shall state whether the procedures are an alternative
31 to or an addition to the procedures stated in sections 100D.5,
32 ~~105.23, 105.24~~, 148.6 through 148.9, 152.10, 152.11, 153.33,
33 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.

34 Sec. 6. REPEAL. Chapter 105, Code 2013, is repealed.

35 Sec. 7. DISPOSITION OF LICENSING FEES. All licensing fees

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1 collected under chapter 105 shall be prorated to June 30, 2013,
2 and that portion of the licensing fee which represents the
3 remaining period of the license, following June 30, 2013, shall
4 be returned to the licensee.

5 EXPLANATION

6 This bill repeals the Iowa plumber, mechanical professional,
7 and contractor licensing Act. This repeal also eliminates
8 language in Code section 105.17 that provides that Code
9 chapter 105 supersedes and preempts all plumbing, heating,
10 ventilation, air conditioning (HVAC), refrigeration, hydronic,
11 and contracting licensing provisions of cities and counties.

12 The bill provides that all licensing fees collected shall
13 be prorated to June 30, 2013, and that the portion of the
14 licensing fee which represents the remaining period of the
15 license, following June 30, 2013, shall be returned to the
16 licensee.



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Senate File 99 - Introduced

SENATE FILE 99

BY JOCHUM

(COMPANION TO HF 7 BY MURPHY)

A BILL FOR

1 An Act providing free motor vehicle registration for certain
2 disabled veterans.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1109SS (2) 85
dea/nh



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1 Section 1. Section 321.34, subsection 12A, paragraph b,
2 Code 2013, is amended to read as follows:

3 b. An owner of a vehicle referred to in subsection 12 who
4 applies for any type of special registration plates associated
5 with service in the United States armed forces shall be issued
6 one set of the special registration plates at no charge and
7 subject to no annual registration fee if the owner is eligible
8 for, but has relinquished to the department or the county
9 treasurer or has not been issued, medal of honor registration
10 plates under subsection 8 or disabled veteran registration
11 plates under section 321.105, subsection 5 or 6.

12 Sec. 2. Section 321.105, Code 2013, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 6. A veteran with a service-connected
15 disability rated at thirty percent or higher shall be exempt
16 from payment of the annual registration fee provided in this
17 chapter for one vehicle, and shall be provided, without fee,
18 with one set of regular registration plates or one set of any
19 type of special registration plates associated with service in
20 the United States armed forces for which the disabled veteran
21 qualifies under section 321.34. The disabled veteran, to be
22 able to claim the benefit, must be a resident of the state
23 of Iowa. In lieu of the set of regular or special military
24 registration plates available without fee, the disabled veteran
25 may obtain a set of nonmilitary special registration plates or
26 personalized plates issued under section 321.34 by paying the
27 additional fees associated with those plates.

28 Sec. 3. Section 321.166, subsection 6, Code 2013, is amended
29 to read as follows:

30 6. Registration plates issued to a disabled veteran under
31 the provisions of section 321.105, subsection 5 or 6, shall
32 display the alphabetical characters "DV" which shall precede
33 the registration plate number. The plates may also display
34 a persons with disabilities parking sticker if issued to the
35 disabled veteran by the department under section 321L.2.

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1 Sec. 4. Section 321L.2, subsection 1, paragraph a,
2 subparagraph (2), Code 2013, is amended to read as follows:

3 (2) Persons with disabilities parking sticker. An
4 applicant who owns a motor vehicle for which the applicant
5 has been issued registration plates under section 321.34 or
6 registration plates as a ~~seriously~~ disabled veteran under
7 section 321.105, subsection 5 or 6, may apply to the department
8 for a persons with disabilities parking sticker to be affixed
9 to the plates. The persons with disabilities parking stickers
10 shall bear the international symbol of accessibility.

11 Sec. 5. Section 321L.2, subsection 5, Code 2013, is amended
12 to read as follows:

13 5. A seriously disabled veteran who has been provided with
14 an automobile or other vehicle by the United States government
15 under the provisions of 38 U.S.C. § 1901 et seq. (1970) is
16 not required to apply for a persons with disabilities parking
17 permit under this section unless the veteran has been issued
18 special registration plates or personalized plates for the
19 vehicle. The regular registration plates issued for the
20 disabled veteran's vehicle without fee pursuant to section
21 321.105, subsection 5, entitle the disabled veteran to all
22 of the rights and privileges associated with persons with
23 disabilities parking permits under this chapter.

24 EXPLANATION

25 This bill provides that a veteran of the United States armed
26 forces with a service-connected disability rated at 30 percent
27 or higher is exempt from the payment of annual registration
28 fees for one vehicle. The veteran is entitled to one set
29 of disabled veteran registration plates to be issued free of
30 charge. Currently, disabled veteran registration plates are
31 available only to seriously disabled veterans who have been
32 provided with an automobile or other vehicle by the United
33 States government. The veteran may substitute any of the
34 special plates associated with military service in lieu of the
35 disabled veteran plates without additional fee, or the veteran

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1 may substitute a set of personalized plates or nonmilitary
2 special plates upon payment of the additional fees associated
3 with those plates. The use of the free registration plates
4 passes to the surviving spouse upon the death of the veteran.



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Senate Study Bill 1094 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to funds transfers under the uniform commercial
2 code, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1120XC (3) 85
da/rj



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1 Section 1. Section 554.12108, Code 2013, is amended to read
2 as follows:

3 ~~554.12108 Exclusion of consumer transactions governed by~~
4 ~~federal law~~ Relationship to Electronic Fund Transfer Act.

5 1. This Except as provided in subsection 2, this article
6 does not apply to a funds transfer any part of which is
7 governed by the Electronic Fund Transfer Act of 1978, 15 U.S.C.
8 § 1693 et seq.

9 2. This article applies to a funds transfer that is a
10 remittance transfer as defined in the Electronic Fund Transfer
11 Act, 15 U.S.C. § 1693o-1, unless the remittance transfer is
12 an electronic fund transfer as defined in the Electronic Fund
13 Transfer Act, 15 U.S.C. § 1693a.

14 3. In a funds transfer to which this article applies, in the
15 event of an inconsistency between an applicable provision of
16 this article and an applicable provision of the Electronic Fund
17 Transfer Act, the provision of the Electronic Fund Transfer Act
18 governs to the extent of the inconsistency.

19 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
20 immediate importance, takes effect upon enactment.

21 EXPLANATION

22 SUMMARY. This bill amends Code chapter 554, Article 12, by
23 providing that its provisions apply to a "remittance transfer"
24 as defined in the federal Electronic Fund Transfer Act of 1978,
25 "EFTA", 15 U.S.C. § 1693 et seq., unless any provision of the
26 federal statute (or associated regulation) also applies.

27 BACKGROUND — ARTICLE 4A AND THE EFTA. Article 4A of the
28 Uniform Commercial Code, recommended by the National Conference
29 of Commissioners on Uniform State Laws (Uniform Law Commission)
30 and the American Law Institute, regulate the electronic
31 transfer of payment orders made through a wire service between
32 commercial parties, such as from one bank to another. By
33 contrast, the EFTA regulates electronic fund transfers
34 involving consumers (e.g., transactions using automatic teller
35 machines). In Iowa, Article 4A is codified as Article 12

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1 of the Uniform Commercial Code, and Code section 554.12101
2 provides the exception for the EFTA (i.e., transactions
3 affecting consumers).

4 BACKGROUND — REMITTANCE TRANSFER. According to the Uniform
5 Law Commission's official comment, its recommended amendment
6 to Section 4A.108 is in to response to the "Dodd-Frank Wall
7 Street Reform and Consumer Protection Act of 2010" (Public
8 Law 111-203). That Act in part amends the EFTA, and requires
9 the new federal Bureau of Consumer Financial Protection to
10 adopt implementing regulations effective February 7, 2013 (77
11 Federal Register No. 25 (February 7, 2012), p. 6194). Part of
12 the new federal Act and its accompanying regulations create
13 new compliance requirements to protect consumers who transfer
14 moneys from the United States to a foreign destination (15
15 U.S.C. § 1693 et seq.), which is referred to as a "remittance
16 transfer". Specifically, the EFTA now defines this as an
17 electronic transfer of funds requested by a sender (consumer)
18 located in any state to a designated recipient that is
19 initiated by a "remittance transfer provider" (a person or
20 financial institution) who provides such services in the normal
21 course of business (15 U.S.C. § 1693o-1(g)).

22 EXCEPTION CARVE OUT. While the EFTA regulates some
23 remittance transfers, it does not address all classes of
24 such transactions, including types of a funds transfer which
25 have been covered under Article 4A. Therefore, when the
26 implementing federal regulations become effective on February
27 7, 2013, some remittance transfers will not be covered either
28 by federal law (EFTA) or state law (Article 12 is Iowa's
29 version of Article 4A). The bill provides that a funds
30 transfer that is a remittance transfer but not an electronic
31 fund transfer under the EFTA will still be governed under
32 Article 4A (Iowa's Article 12).

33 EFFECTIVE DATE. The bill goes into effect immediately upon
34 enactment.



Iowa General Assembly
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Senate Study Bill 1095 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to an application for the immediate return of
2 seized property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1368XC (1) 85
rh/sc



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S.F. _____

1 Section 1. Section 809.3, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3A. The application shall be signed by the
4 claimant under penalty of perjury.

5 EXPLANATION

6 This bill relates to an application for the immediate return
7 of seized property under Code chapter 809.

8 Current law provides that any person claiming a right to
9 immediate possession of seized property may make an application
10 for the return of the seized property in the office of the
11 clerk of court for the county in which the property was seized.
12 The application must state the specific item or items sought,
13 the nature of the claimant's interest in the property, and the
14 grounds upon which the claimant seeks to have the property
15 immediately returned. "Seized property" means property taken
16 or held by any law enforcement agency without the consent of
17 the person, if any, who had possession or a right to possession
18 of the property at the time it was taken into custody.

19 The bill requires that the claimant sign the application
20 under penalty of perjury.



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Senate Study Bill 1096 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S OFFICE
OF DRUG CONTROL POLICY
BILL)

A BILL FOR

1 An Act relating to granting authority to the board of pharmacy
2 to temporarily designate a substance a controlled substance,
3 classifying certain synthetic cannabinoids as schedule I
4 controlled substances, and providing penalties and making
5 penalties applicable.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1306DP (4) 85
rh/rj



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S.F. _____ H.F. _____

1 Section 1. Section 124.201, subsection 4, Code 2013, is
2 amended to read as follows:

3 4. a. If any new substance is designated as a controlled
4 substance under federal law and notice of the designation is
5 given to the board, the board shall similarly designate as
6 controlled the new substance under this chapter after the
7 expiration of thirty days from publication in the Federal
8 Register of a final order designating a new substance as a
9 controlled substance, unless within that thirty-day period
10 the board objects to the new designation. In that case the
11 board shall publish the reasons for objection and afford
12 all interested parties an opportunity to be heard. At
13 the conclusion of the hearing the board shall announce its
14 decision. Upon publication of objection to a new substance
15 being designated as a controlled substance under this chapter
16 by the board, control under this chapter is stayed until the
17 board publishes its decision.

18 b. If any new substance has not been designated as a
19 controlled substance under federal law and the board finds that
20 the substance poses an imminent hazard to public safety, the
21 board may designate the substance a controlled substance.

22 c. If a substance is designated as controlled by the board
23 under this subsection, the control shall be temporary and if
24 within sixty days after the next regular session of the general
25 assembly convenes it has not made the corresponding changes
26 in this chapter, the temporary designation of control of the
27 substance by the board shall be nullified.

28 Sec. 2. Section 124.204, subsection 4, paragraph ai,
29 subparagraph (5), subparagraph division (a), Code 2013, is
30 amended by adding the following new subparagraph subdivisions:

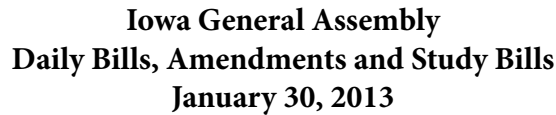
31 NEW SUBPARAGRAPH SUBDIVISION. (vi) 3-tetramethyl-
32 cyclopropanoylindole by substitution at the nitrogen atom of
33 the indole ring, whether or not further substituted in the
34 indole ring to any extent, whether or not substituted on the
35 cyclopropyl ring to any extent.

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1 classifies certain synthetic cannabinoids as schedule I
2 controlled substances, and provides penalties and makes
3 penalties applicable.

4 BOARD OF PHARMACY AUTHORITY — CONTROLLED SUBSTANCES.

5 The bill specifies that if any new substance has not been
6 designated a controlled substance under federal law and the
7 board of pharmacy finds that the substance poses an imminent
8 hazard to public safety, the board may designate the substance
9 a controlled substance. If a substance is designated as a
10 controlled substance by the board pursuant to the bill, the
11 control shall be temporary and, if within 60 days after the
12 next regular session of the general assembly convenes, the
13 substance has not been classified as a controlled substance
14 by the general assembly, the temporary controlled substance
15 designation by the board is nullified.

16 SCHEDULE I CONTROLLED SUBSTANCES — SYNTHETIC CANNABINOIDS.

17 The bill adds certain synthetic cannabinoids to the list of
18 schedule I controlled substances in Code section 124.204
19 (4)(ai).

20 CRIMINAL PENALTIES.

21 MANUFACTURE, DELIVERY, OR POSSESSION WITH INTENT TO DELIVER
22 — CERTAIN SCHEDULE I CONTROLLED SUBSTANCES. Under current
23 law, it is an aggravated misdemeanor pursuant to Code section
24 124.401(1)(d) for any unauthorized person to manufacture,
25 deliver, or possess with the intent to manufacture or deliver a
26 cannibimimetic agent or a synthetic cathinone classified as a
27 schedule I controlled substance in Code section 124.204(4)(ai)
28 or 124.204(6)(i), including its counterfeit or simulated form,
29 or to act with, enter into a common scheme or design with, or
30 conspire with one or more persons to manufacture, deliver, or
31 possess with intent to manufacture or deliver such a schedule
32 I controlled substance. The bill increases the penalties for
33 violations of these provisions to a class "D" felony.

34 POSSESSION — SCHEDULE I CONTROLLED SUBSTANCES. A class "D"
35 felony is punishable by confinement for no more than five years

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1 and a fine of at least \$750 but not more than \$7,500. A serious
2 misdemeanor is punishable by confinement for no more than one
3 year and a fine of at least \$315 but not more than \$1,875. An
4 aggravated misdemeanor is punishable by confinement for no more
5 than two years and a fine of at least \$625 but not more than
6 \$6,250.



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Senate Study Bill 1097 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the transmission of court records by the
2 clerk of the district court to the clerk of the supreme
3 court in an appeal.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1491XC (3) 85
jm/nh



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S.F. _____

1 Section 1. NEW SECTION. 602.8103A Transmission of record
2 on appeal.

3 1. a. The clerk of the district court shall be solely
4 responsible for transmitting the record on appeal to the
5 clerk of the supreme court in civil and criminal proceedings.
6 The clerk of the district court shall only transmit the
7 record to the clerk of the supreme court upon the request
8 of the appellee, appellant, the attorney for the appellee or
9 appellant, or the appellate court.

10 b. The requirements of paragraph "a" shall not be delegated
11 to another party. The appellee, appellant, the attorney for
12 the appellee or appellant, or any agent of the appellee or
13 appellant shall not transmit any part of the appellate record
14 to the clerk of the supreme court.

15 2. For purposes of this section, the "record on appeal"
16 consists of the original documents and exhibits filed in
17 district court, transcripts of the proceedings, and a certified
18 copy of the docket and court calendar entries prepared by
19 the clerk of the district court in the case under appeal.
20 Exhibits of unusual size or bulk are not required to be
21 transmitted by the clerk of the district court unless requested
22 by the appellee, appellant, the attorney for the appellee or
23 appellant, or the appellate court.

24 3. If a request is made pursuant to subsection 1, within
25 seven days of the filing of the final briefs in the appeal, the
26 clerk of the district court shall transmit any of the remaining
27 record to the clerk of the supreme court.

28 Sec. 2. REPEAL. Section 625A.7, Code 2013, is repealed.

29 EXPLANATION

30 This bill relates to the transmission of court records by the
31 clerk of the district court to the clerk of the supreme court
32 in an appeal.

33 The bill specifies that the clerk of the district court shall
34 be solely responsible for transmitting the record on appeal to
35 the clerk of the supreme court. The bill requires the clerk of

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1 the district court to only transmit the record to the clerk of
2 the supreme court upon the request of the appellee, appellant,
3 the attorney for the appellee or appellant, or the appellate
4 court.

5 The bill specifies the record on appeal shall consist of
6 the original documents and exhibits filed in district court,
7 transcripts of the proceedings, and a certified copy of the
8 docket and court calendar entries prepared by the clerk of the
9 district court in the case under appeal.

10 Under the bill, exhibits of unusual size or bulk are not
11 required to be transmitted by the clerk of the district court
12 unless requested by the appellee, appellant, the attorney for
13 the appellee or appellant, or the appellate court.

14 The bill also requires that the clerk of the district court
15 transmit any of the remaining record to the clerk of the
16 supreme court within seven days after the final briefs have
17 been filed in the appeal.



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Senate Study Bill 1098 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to the discharge of a firearm near buildings or
2 feedlots by certified law enforcement officers for training
3 purposes and providing penalties.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1519SC (1) 85
av/nh



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S.F. _____

1 Section 1. Section 481A.123, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 6. This section does not apply to the
4 discharge of a firearm for the purpose of developing and
5 retaining the shooting proficiency of certified law enforcement
6 officers on premises owned by the state, a county, or a
7 municipality, and operated by a law enforcement agency, which
8 are not open to the general public and which were in operation
9 for that purpose prior to January 1, 1980.

10 EXPLANATION

11 This bill provides that the statutory prohibition against
12 discharging a firearm within 200 yards of a building inhabited
13 by people or domestic livestock or within 200 yards of a
14 feedlot without the owner's consent, does not apply to the
15 discharge of a firearm for the purpose of developing and
16 retaining the shooting proficiency of certified law enforcement
17 officers on certain premises. The premises must be owned by
18 the state, a county, or a municipality, operated by a law
19 enforcement agency, and not open to the general public, and
20 must have been in operation for that purpose prior to January
21 1, 1980.

22 A violation of the bill's provisions is punishable with a
23 scheduled fine of \$25.



Iowa General Assembly
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Senate Study Bill 1099 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act relating to county attorney duties when representing the
2 department of human services in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 1327XC (2) 85
jm/sc



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1 Section 1. Section 232.37, subsection 1, Code 2013, is
2 amended to read as follows:

3 1. After a petition has been filed the court shall set
4 a time for an adjudicatory hearing and unless the ~~parties~~
5 persons named in subsection 2 voluntarily appear, shall issue
6 a summons requiring the child to appear before the court at a
7 time and place stated and requiring the person who has custody
8 or control of the child to appear before the court and to bring
9 the child with the person at that time. The summons shall
10 attach a copy of the petition and shall give notification of
11 the right to counsel provided for in section 232.11.

12 Sec. 2. Section 232.71C, subsection 1, Code 2013, is amended
13 to read as follows:

14 1. If, upon completion of an assessment performed under
15 section 232.71B, the department determines that the best
16 interests of the child require juvenile court action, the
17 department shall act appropriately to initiate the action.
18 If at any time during the assessment process the department
19 believes court action is necessary to safeguard a child, the
20 department shall act appropriately to initiate the action. The
21 county attorney shall assist the department ~~as provided under~~
22 ~~section 232.90, subsection 2.~~

23 Sec. 3. Section 232.87, subsection 2, Code 2013, is amended
24 to read as follows:

25 2. A petition may be filed by the department of human
26 services, juvenile court officer, or county attorney. In
27 determining whether a petition is to be filed, the department
28 or a juvenile court officer may consult with the county
29 attorney. If the county attorney declines to file a petition
30 requested by the department or juvenile court officer, the
31 department or juvenile court officer may file the petition
32 pursuant to this section, and may request that the attorney
33 general represent the state in place of the county attorney.

34 Sec. 4. Section 232.88, Code 2013, is amended to read as
35 follows:

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1 **232.88 Summons, notice, subpoenas, and service.**

2 After a petition has been filed, the court shall issue and
3 serve summons, subpoenas, and other process in the same manner
4 as for adjudicatory hearings in cases of juvenile delinquency
5 as provided in section 232.37. Reasonable notice shall be
6 provided to the persons required to be provided notice under
7 section 232.37, except that notice shall be waived regarding
8 a person who was notified of the adjudicatory hearing and who
9 failed to appear. In addition, reasonable notice for any
10 hearing under this division shall be provided to the department
11 of human services, and the agency, facility, institution,
12 or person, including a foster parent, relative, or other
13 individual providing preadoptive care, with whom a child has
14 been placed.

15 Sec. 5. Section 232.90, Code 2013, is amended to read as
16 follows:

17 **232.90 Duties of county attorney.**

18 1. As used in this section, "state" means the general
19 interest held by the people in the health, safety, welfare, and
20 protection of all children living in this state.

21 ~~1. 2.~~ The county attorney shall represent the state in
22 proceedings arising from a petition filed under this division
23 ~~and shall present evidence in support of the petition.~~ The
24 county attorney shall be present at proceedings initiated by
25 petition under this division filed by an intake officer or the
26 county attorney, or if a party to the proceedings contests the
27 proceedings, or if the court determines there is a conflict of
28 interest between the child and the child's parent, guardian, or
29 custodian or if there are contested issues before the court.

30 ~~2. The county attorney shall represent the department in~~
31 ~~proceedings arising under this division. However, if there is~~
32 ~~disagreement between the department and the county attorney~~
33 ~~regarding the appropriate action to be taken, the department~~
34 ~~may request to be represented by the attorney general in place~~
35 ~~of the county attorney.~~

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1 3. At the dispositional hearing or any subsequent
2 modification hearing held pursuant to this division, the county
3 attorney shall present to the court evidence regarding the
4 availability, fiscal impact, or fiscal limitations of any
5 placement for the child that is under consideration by the
6 court, if such evidence is provided by the department to the
7 county attorney.

8 4. In any proceeding under this division, the county
9 attorney shall consult with the department to ensure
10 compliance with all applicable state and federal laws regarding
11 permanency.

12 Sec. 6. Section 232.102, subsection 1, paragraph a,
13 unnumbered paragraph 1, Code 2013, is amended to read as
14 follows:

15 After a dispositional hearing and consideration of
16 all information provided by the department regarding the
17 availability, fiscal impact, or fiscal limitations to placement
18 for the child, the court may enter an order transferring the
19 legal custody of the child to one of the following for purposes
20 of placement:

21 Sec. 7. Section 232.104, subsection 1, Code 2013, is amended
22 by adding the following new paragraph:

23 NEW PARAGRAPH. d. If an initial permanency hearing is
24 not timely scheduled by the court, the department may seek
25 assistance of the county attorney in requesting that the court
26 set a timely permanency hearing.

27 Sec. 8. Section 232.111, subsection 1, Code 2013, is amended
28 to read as follows:

29 1. A child's guardian, guardian ad litem, or custodian,
30 the department of human services, a juvenile court officer, or
31 the county attorney may file a petition for termination of the
32 parent-child relationship and parental rights with respect to a
33 child. In determining whether a petition is to be filed, the
34 department or a juvenile court officer may consult with the
35 county attorney. If the county attorney declines to file a

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1 petition requested by the department or juvenile court officer,
2 the department or juvenile court officer may file the petition
3 pursuant to this section, and may request that the attorney
4 general represent the state in place of the county attorney.

5 Sec. 9. Section 232.111, subsection 4, paragraph b,
6 subparagraph (3), Code 2013, is amended to read as follows:

7 (3) ~~Custodian~~ Legal custodian of the child.

8 Sec. 10. Section 232.112, subsection 1, Code 2013, is
9 amended to read as follows:

10 1. Persons listed in section 232.111, subsection 4, other
11 than the department of human services, shall be necessary
12 parties to a termination of parent-child relationship
13 proceeding and are entitled to receive notice and an
14 opportunity to be heard, except that notice may be dispensed
15 with in the case of any such person whose name or whereabouts
16 the court determines is unknown and cannot be ascertained by
17 reasonably diligent search. In addition to the persons who are
18 necessary parties who may be parties under section 232.111,
19 notice for any hearing under this division shall be provided to
20 the department of human services, the child's foster parent,
21 an individual providing preadoptive care for the child, or a
22 relative providing care for the child.

23 Sec. 11. Section 232.114, Code 2013, is amended to read as
24 follows:

25 **232.114 Duties of county attorney.**

26 1. As used in this section, "state" means the general
27 interest held by the people in the health, safety, welfare, and
28 protection of all children living in this state.

29 ~~1. 2.~~ Upon the filing of a petition the county attorney
30 shall represent the state in all adversary proceedings arising
31 under this division ~~and shall present evidence in support of~~
32 ~~the petition.~~

33 ~~2. The county attorney shall represent the department in~~
34 ~~proceedings arising under this division. However, if there is~~
35 ~~disagreement between the department and the county attorney~~

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1 ~~regarding the appropriate action to be taken, the department~~
2 ~~may request to be represented by the attorney general in place~~
3 ~~of the county attorney.~~

4 Sec. 12. Section 232.180, Code 2013, is amended to read as
5 follows:

6 **232.180 Duties of county attorney.**

7 1. As used in this section, "state" means the general
8 interest held by the people in the health, safety, welfare, and
9 protection of all children living in this state.

10 2. Upon the filing of a petition and the request of the
11 department, the county attorney shall represent the state in
12 all adversary proceedings arising under this division and shall
13 present evidence in support of the petition as provided under
14 section 232.90.

15 EXPLANATION

16 This bill relates to county attorney duties when
17 representing the department of human services in juvenile
18 court.

19 Code section 232.37 is amended to provide that unless the
20 known parents, guardians or legal custodians of a child, the
21 child, and the child's guardian ad litem voluntarily appear for
22 an adjudicatory hearing to determine if the child has committed
23 a delinquent act, the court shall issue a summons requiring the
24 child to appear before the court at a time and place stated and
25 requiring the person who has custody or control of the child to
26 appear before the court and to bring the child with the person
27 at the time of the hearing. Code section 232.37(5) provides
28 that if a person personally served with a summons fails without
29 reasonable cause to appear or to bring the child, the person
30 may be held in contempt of court or the court may issue an order
31 for the arrest of the person or take the child into custody.

32 The amendment to Code section 232.37 affects a notice for
33 waiver hearings in Code section 232.45(3), a notice and summons
34 issued for hearings to change dispositional orders in Code
35 section 232.54(2), and a notice and summons issued for child in

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1 need of assistance proceedings in Code section 232.88.

2 Code section 232.71C is amended to provide that the county
3 attorney shall assist the department of human services in a
4 child in need of assistance proceeding, but strikes a reference
5 requiring the county attorney to represent the department in
6 such proceedings.

7 Code section 232.87 is amended by adding a provision
8 providing that the department of human services or a juvenile
9 court officer may consult with the county attorney to determine
10 whether a child in need of assistance petition should be filed.
11 Under the bill, if the county attorney declines to file such a
12 petition, the department of human services or juvenile court
13 officer may file the petition, and request the attorney general
14 represent the state in place of the county attorney.

15 Code section 232.88 is amended to add the department of human
16 services to the list of parties required to be provided notice
17 of a child in need of assistance proceeding.

18 Code section 232.90 is amended to require the county
19 attorney to represent the state in a child in need of
20 assistance proceeding and strikes a provision requiring the
21 county attorney to represent the department of human services
22 in such a proceeding. The amendment to Code section 232.90
23 defines "state" to mean the general interest held by the people
24 in the health, safety, welfare, and protection of all children
25 living in the state. Code section 232.90 is amended to strike
26 a provision allowing the attorney general to represent the
27 department of human services if a dispute arises between the
28 county attorney and the department of human services in a child
29 in need of assistance proceeding.

30 Code section 232.90 is also amended to provide that at
31 a dispositional hearing of a child in need of assistance
32 proceeding or any subsequent modification, the county attorney
33 shall present evidence to the court regarding the availability,
34 fiscal impact, or fiscal limitations of any placement being
35 considered for the child, if such evidence is provided by the

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1 department of human services to the county attorney. Code
2 section 232.90 is also amended to require the county attorney
3 to consult with the department to ensure compliance with all
4 applicable state and federal laws regarding permanency for a
5 child adjudicated a child in need of assistance.

6 Code section 232.104 is amended to permit the department of
7 human services to seek assistance of the county attorney in
8 setting a timely permanency hearing for a child adjudicated a
9 child in need of assistance.

10 Code section 232.111 is amended to require a petition
11 for termination of parental rights to contain the name and
12 residence of the "legal custodian" of the child. Current law
13 requires the petition for termination of parental rights to
14 contain the name and residence of the "custodian" of the child.

15 Code section 232.111 is also amended by adding a provision
16 providing that the department of human services or a juvenile
17 court officer may consult with the county attorney to determine
18 whether a termination of parental rights petition should be
19 filed. Under the bill, if the county attorney declines to file
20 such a petition, the department of human services or juvenile
21 court officer may file the petition and request the attorney
22 general represent the state in place of the county attorney.

23 Code section 232.112 is amended to strike a provision
24 requiring the participation of the department of human services
25 in a termination of parental rights proceeding.

26 Code section 232.114 is amended to require a county attorney
27 to represent the state in a termination of parental rights
28 proceeding and strikes a provision requiring a county attorney
29 to represent the department of human services in such a
30 proceeding. The amendment to Code section 232.114 defines
31 "state" to mean the general interest held by the people in the
32 health, safety, welfare, and protection of all children living
33 in the state. The amendment to Code section 232.114 also
34 strikes a provision allowing the attorney general to represent
35 the department of human services if a dispute arises between

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1 the county attorney and the department of human services in a
2 termination of parental rights proceeding.

3 Code section 232.180 is amended to require the county
4 attorney to represent the state in a voluntary foster care
5 placement proceeding and strikes a provision requiring the
6 county attorney to represent the department of human services.
7 The amendment to Code section 232.180 defines "state" to mean
8 the general interest held by the people in the health, safety,
9 welfare, and protection of all children living in the state.